



Australian Capital Territory

# **Fire Brigade Act 1957 (repealed)**

**A1957-20**

**Republication No 7**

**Effective: 1 July 2004**

Republication date: 1 July 2004

As repealed by A2004-28 s 203

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Fire Brigade Act 1957* (repealed) (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)). It also includes any commencement, amendment, repeal or expiry affecting the republished law to 1 July 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Fire Brigade Act 1957 (repealed)

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Australian Capital Territory

## Fire Brigade Act 1957 (repealed)

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An Act to provide for the powers, duties and functions of members of the fire brigade and other persons, and for the precautions to be taken to prevent fires

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**1 Name of Act**

This Act is the *Fire Brigade Act 1957*.

**3 Relationship with Environment Protection Act 1996**

Subject to the *Environment Protection Act 1997*, section 6 (2), this Act has effect subject to the *Environment Protection Act 1997*.

**4 Interpretation for Act**

(1) In this Act:

*Note* A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

***brigade*** means the Australian Capital Territory Fire Brigade established by the *Fire Brigade (Administration) Act 1974*.

***built-up area***—see the *Bushfire Act 1936*.

***chief officer*** means the Fire Commissioner appointed under the *Fire Brigade (Administration) Act 1974*.

***closure notice*** means a notice under section 12A (1) that complies with section 12AC (1).

***fire appliance*** includes a fire engine, extinguisher, ladder, reel, hose, helmet, bucket or other implement or thing used in the prevention or extinguishing of fires and a fire alarm or other signalling apparatus for giving notice of fire.

***flammable matter*** includes matter declared by the regulations to be flammable matter.

***improvement notice*** means a notice under section 12A (1) that complies with section 12AA (1).

***member of the brigade*** means a member appointed under the *Fire Brigade (Administration) Act 1974*.

**occupancy notice** means a notice under section 12A (1) that complies with section 12AB.

**occupier**, in relation to premises, includes a person who is, or appears to be, in charge of the premises.

**owner**, in relation to premises leased from the Commonwealth, means—

- (a) the lessee in respect of the lease; or
- (b) any agent acting on behalf of the lessee in respect of the lease;

**premises** includes a building or other structure or erection, a wharf or jetty and a ship, boat or other vessel.

- (2) A reference in this Act to the **chief officer** includes, for the application of this Act in relation to a fire at a time when, in the absence of the chief officer, a member of the brigade is in charge of the other members of the brigade in attendance at the site of the fire during or immediately after the fire, a reference to the member who is in charge.
- (3) A reference in section 12A, 12AA, 12AF, 12AG, 12C, 12D or 12F to the chief officer includes a reference to a person authorised in writing by the chief officer to exercise a power or perform a function of the chief officer under that section.

## 5 Chief officer to advise

If an entity consults with the chief officer under the *Building Regulations 1972*, regulation 15 (Consultation and consent), the chief officer must give the entity written advice assessing building compliance.

*Note* A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def **entity**).

**7 Powers and functions of chief officer and other persons at fires**

- (1) The chief officer shall, at and immediately after a fire in the ACT, control and direct the members of the brigade and any person who voluntarily places his or her services at the disposal of the chief officer and may take such measures as he or she thinks proper to protect life and property and to control and extinguish the fire.
- (2) Without limiting subsection (1), the chief officer may, at or immediately after a fire in the ACT, for the purpose of protecting life or property or controlling or extinguishing the fire—
  - (a) by force or otherwise, enter, take possession of, use, pull down, sink, damage, remove or destroy any premises or any property in or on premises; and
  - (b) take a fire engine or other fire appliance through, over or on any premises; and
  - (c) close to traffic a street, road or thoroughfare in the vicinity of the fire; and
  - (d) order a person to leave any premises on fire or in the vicinity of the fire; and
  - (e) remove to such place as he or she thinks proper a person, vehicle or thing the presence of whom or which is, in the opinion of the chief officer, interfering with, or threatening to interfere with, the operations under his or her control or direction; and
  - (f) use, without payment, any convenient supply of water and shut off water from a main or pipe to obtain greater pressure or supply of water; and
  - (g) shut off or disconnect the supply of electricity to any premises on fire or in the vicinity of the fire; and

- (h) shore up, pull down or destroy a wall or building which, in the opinion of the chief officer, is damaged or made insecure or may be dangerous to life or property; and
  - (i) direct or authorise the doing by a member of the brigade or a person who voluntarily places his or her services at the disposal of the chief officer, or authorise the doing by a member of the police force of the Territory, of any act or thing which the chief officer is, under this section, empowered to do.
- (3) Where—
- (a) at or immediately after a fire in the ACT, a member of a fire brigade or a member of the police force of the Territory is of opinion that, for the purpose of protecting life or property or controlling or extinguishing the fire it is necessary or desirable to do an act or thing which the chief officer is empowered to do under subsection (2) (not being an act or thing referred to in subsection (2) (h) or (i)); and
  - (b) it is not practicable for the authority of the chief officer for the doing of that act or thing to be obtained;
- the member of the brigade or the member of the police force of the Territory, as the case may be, may, without the authority of the chief officer, do that act or thing.
- (4) The amount of any expenses incurred by the chief officer in shoring up, pulling down or destroying a wall or building under subsection (2) is a debt due to the Territory by the owner of the wall or building.

## **8 Control of bushfires**

- (1) Section 7 does not apply in relation to a fire—
- (a) which is outside a built-up area; and
  - (b) which is not in a building; and
  - (c) at which the chief fire control officer is present.

(2) In this section:

*chief fire control officer* means the Chief Fire Control Officer appointed under the *Bushfire Act 1936*, and, in relation to a fire, includes a person authorised under that Act, section 5N (2) to exercise the powers and authority of the chief fire control officer in relation to the fire.

## **9 Policies of insurance against fire**

Where damage is caused to property, either directly or indirectly, by the exercise of a power or the performance of a function by a person under section 7, the damage shall, for the purposes of any policy of insurance against fire covering the property damaged, be deemed to be damage by fire notwithstanding a provision to the contrary in the policy.

## **10 Investigation of fires**

The chief officer, a member of the brigade or a person authorised in writing by the chief officer to exercise the powers of the chief officer under this section, may, for the purpose of investigating the cause of a fire—

- (a) enter premises where the fire occurred; and
- (b) search the premises and the debris of the fire and, for such time as is necessary, retain possession of the premises and of anything on the premises; and
- (c) prevent a person from entering or remaining in or on the premises and remove a person from the premises; and
- (d) prevent a person from removing anything from the premises.

## **11 Inspection of premises**

The chief officer, or a person authorised in writing by the chief officer to exercise the powers of the chief officer under this section, may, at any time, enter premises for the purpose of ascertaining

whether the premises or anything on the premises constitutes, or is likely to constitute, a danger by fire to life or property or whether grounds exist for making an application for a notice under section 12A (1).

## 12 Offences

- (1) A person shall not—
- (a) wilfully obstruct or interfere with a person in the performance of his or her duties or the exercise of his or her powers under this Act or, where the person is a member of the brigade, otherwise as a member of the brigade; or
  - (b) fail to comply with an order or direction given under this Act (other than a direction under section 12C (1)) by the chief officer, a member of the brigade or a member of the police force of the Territory; or
  - (c) remain in or on premises on fire, or in the vicinity of a fire, after being ordered by the chief officer, a member of the brigade or a member of the police force of the Territory to leave the premises; or
  - (d) without the consent of the chief officer or a member of the brigade, drive a vehicle over a fire hose or so near a fire hose or other fire appliance as to interfere with the effective use of the appliance; or
  - (e) wilfully remove, destroy, damage or interfere with a fire appliance or a building used for housing or storing fire appliances; or
  - (f) wilfully cover up, enclose or conceal a fire hydrant or obliterate or remove a mark, sign or letter indicating the position of, or distinguishing, a fire hydrant; or
  - (g) except for the purpose of giving an alarm of fire, tamper with a fire alarm or signalling apparatus for giving notice of a fire; or
  - (h) maliciously give a false alarm of fire; or

- (i) without the consent in writing of the chief officer, light a fire which may be dangerous to a building; or
- (j) store or deposit flammable matter so as to cause, directly or indirectly, a danger by fire to life or property; or
- (k) deposit materials, goods or any other matter or thing in a passageway or stairway or in an exit that is used or intended to be used, or that, but for an obstruction, would be used, for escape by persons in the event of fire, so as to obstruct the passageway, stairway or exit; or
- (l) close a door or exit in such a stairway or passageway in such a manner that a person could not make use of the door or exit to leave the building in the event of fire; or
- (m) being the owner of premises in a built-up area, so keep flammable matter on the premises as to cause, directly or indirectly, a danger by fire to life or property; or
- (n) being the owner of the premises, fail to repair or replace a fire appliance that has been damaged or is defective; or
- (o) fix in an open or closed position, other than in a manner approved by the chief officer, a fire door, smoke door or exit door.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

- (2) In this section, a reference to a fire door, smoke door or exit door is a reference to a fire door, smoke door or exit door as described in the building manual referred to in the *Building Act 1972*.
- (3) Subsection (1) (m) does not apply in respect of flammable matter to which a direction under section 12C (1) relates.

**12A Court orders for notices**

- (1) The chief officer may apply to the Magistrates Court for an order for the issue of—
  - (a) an improvement notice; or
  - (b) an occupancy notice; or
  - (c) a closure notice;in respect of premises.
- (2) An application shall be supported by an affidavit setting out the grounds for believing that—
  - (a) the premises or part of the premises; or
  - (b) anything on the premises; or
  - (c) the lack or inadequacy of fire prevention measures or fire safety measures on or in relation to the premises; or
  - (d) the use to which the premises are or are likely to be put; or
  - (e) the number of persons who are likely to be on the premises at any time;is or are likely to present a risk to public safety or to the safety of persons who are or are likely to be on the premises, being a risk from fire or other hazard.
- (3) The occupier of the premises to which an application relates is the respondent to the application.
- (4) Where, on an application for an order for the issue of a closure notice in respect of premises, the Magistrates Court is satisfied that the gravity of the risk is such that the notice sought should be issued forthwith, the court may make an interim order for the issue of such a notice whether or not a copy of the application and of the supporting affidavit have been served on the respondent.
- (5) An interim order may be made ex parte.

- (6) Jurisdiction is conferred on the Magistrates Court to hear and determine an application under this section.
- (7) The chief officer shall serve a copy of a notice under subsection (1) on the person whom he or she believes on reasonable grounds to be the occupier of the premises.
- (8) Where the person on whom a copy of a notice under subsection (1) is served is not the owner of the premises, the chief officer shall serve a copy of the notice on the owner.
- (9) The effectiveness of a notice under subsection (1) is not affected by a failure to comply with subsection (8).
- (10) A notice under subsection (1) continues in force and has effect—
  - (a) as varied under section 12AH; and
  - (b) until revoked in accordance under section 12AG or 12AH.

#### **12AA Improvement notices**

- (1) An improvement notice shall specify—
  - (a) the action that the occupier of the premises is to take in order to reduce the risk, from fire or other hazard, to public safety or to the safety of persons who are or are likely to be on premises, to a level that the chief officer considers acceptable; and
  - (b) the period of time during which the action is to be taken.
- (2) Before the end of the period specified in an improvement notice, the chief officer may, on his or her own motion or on application from the occupier of the premises, by notice in writing given to the occupier, extend that period.

#### **12AB Occupancy notices**

An occupancy notice shall direct the occupier of the premises not to permit more than the number of persons specified in the notice to be on the premises at any time.

**12AC Closure notices**

- (1) A closure notice shall direct the occupier of the premises not to permit any other person to be on the premises.
- (2) In subsection (1), the reference to *any other person* does not include a person required or permitted to be on the premises—
  - (a) in the course of his or her employment with the occupier; or
  - (b) for the purpose of cleaning, maintaining, repairing or altering the premises or anything on them; or
  - (c) for this Act.

**12AD Compliance with notices**

A person on whom a notice under section 12A (1) has been served shall not, without reasonable excuse, fail to comply with the notice.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**12AE Display of notices**

The occupier of premises in respect of which a notice under section 12A (1) has been served shall display a copy of the notice at each entrance to the premises in such manner as to enable it to be read by persons outside the premises.

Maximum penalty: 10 penalty units.

**12AF Enforcement of occupancy and closure notices**

- (1) The chief officer, a member of the brigade or a police officer may take such action as is reasonable in order to ensure that an occupancy notice or a closure notice is complied with.
- (2) Without prejudice to the generality of subsection (1), the chief officer, a member of the brigade or a police officer may, if he or she believes on reasonable grounds that a person has contravened an occupancy notice or a closure notice—

- (a) enter the relevant premises with such force and such assistance as is reasonable; or
  - (b) prevent a person from entering premises; or
  - (c) remove a person from premises.
- (3) The occupier of the relevant premises is liable to pay to the Territory an amount equal to the amount of the costs or expenses necessarily and reasonably incurred in taking action under this section.

**12AG Chief officer's power to revoke notices**

- (1) The chief officer may, on his or her own motion or on written application by the occupier or owner of the relevant premises, revoke an occupancy notice or a closure notice if satisfied that—
- (a) it is reasonable for him or her to do so; and
  - (b) the revocation does not increase a risk referred to in section 12A (1).
- (2) The chief officer shall revoke an improvement notice if—
- (a) all the action required to be taken under it has been taken to the satisfaction of the chief officer; or
  - (b) the chief officer is satisfied that the risk referred to in section 12A (1) is no longer present or likely to be present, as the case requires.

**12AH Court's power to vary or revoke notices**

The Magistrates Court, on application of the chief officer or the occupier or owner of the relevant premises, may make an order for the variation or revocation of a notice under section 12A (1).

**12B Appeal**

- (1) A person to whom an order or direction is given under this Act (other than a direction under section 12C (1)), or a person dissatisfied with an order of the Magistrates Court made under section 12A, may, within a period of 21 days from the date of the direction or order, or within such longer period as the Supreme Court, on application made before or after the expiration of that period, allows, appeal to the Supreme Court from the direction or order.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

- (2) An appeal under this section against an order of the Magistrates Court shall be in the nature of rehearing.
- (3) On the hearing of an appeal under this section, the court may, by order, affirm, vary or revoke the direction or order, and may make such other order as to it seems fit.
- (4) The lodging of an appeal under this section does not, pending the hearing of the appeal, affect the validity of the direction or order the subject of the appeal.

**12C Elimination of fire hazard**

- (1) Where the chief officer believes on reasonable grounds that flammable matter is so kept on particular premises in a built-up area as to cause, directly or indirectly, a danger to life or property in the event of fire, he or she may direct the owner of the premises to take specified action to eliminate the danger.
- (2) In the exercise of the power under subsection (1), the matters to which the chief officer is to have regard include the following:
  - (a) the amount and type of any litter, timber or vegetation on the premises;

- (b) the amount and type of other flammable matter on the premises;
  - (c) the prevailing and projected weather conditions;
  - (d) the nature, location and use of the premises and nearby premises;
  - (e) the possible effect of any fire on the premises and nearby premises;
  - (f) the availability of firefighting facilities;
  - (g) the action that the chief officer believes on reasonable grounds is necessary and reasonable to eliminate the danger;
  - (h) the period within which the chief officer believes it is necessary and reasonable for the action to be taken.
- (3) A direction—
- (a) shall be given in writing; and
  - (b) shall specify the action which the owner is to take to eliminate the danger; and
  - (c) shall specify the period within which the action is to be taken; and
  - (d) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1); and
  - (e) shall indicate that, if the owner fails to comply with the direction, the chief officer may arrange for the elimination of the danger at the owner's expense; and
  - (f) if it requires the burning of matter—shall indicate that the burning must take place in accordance with the *Environment Protection Act 1997*.

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- (4) The period referred to in subsection (3) (c) shall not be less than 14 days commencing on the day on which the direction is given, except where it is given on a day or during a period in respect of which a warning about the spread of fires has been given under the *Bushfire Act 1936*, section 7A.
  - (5) A direction shall not be inconsistent with the *Environment Protection Act 1997*.

## **12D      Contravention of direction**

- (1) Where the chief officer believes on reasonable grounds that a person has contravened a direction under section 12C (1), the chief officer may—
  - (a) enter the premises with such force and assistance as is necessary and reasonable; and
  - (b) arrange for such action to be taken as is necessary and reasonable to eliminate the danger.
- (2) At least 24 hours before the chief officer proposes to enter premises under subsection (1), he or she shall give written notice to the owner and occupier stating the time and purpose of entry.
- (3) Where the chief officer enters premises in accordance with subsection (1), he or she is not authorised to remain on those premises if, on the request of the occupier, the chief officer does not show his or her identity card to the occupier.
- (4) The amount of any expenses necessarily and reasonably incurred by or on behalf of the Territory in respect of action taken in accordance with subsection (1) (b) is a debt due to the Territory by the owner of the premises.
- (5) If there are 2 or more owners of the premises, their liability for the debt is joint and several.

**12E Review of decisions**

Application may be made to the administrative appeals tribunal for review of a decision by the chief officer, or a person authorised in writing by the chief officer, to give a direction under section 12C (1).

**12F Emergency elimination of fire hazard**

(1) In this section:

*fire emergency* means—

- (a) a period in respect of which a warning about the spread of fires has been given under the *Bushfire Act 1936*, section 7A; or
- (b) a situation in which there is an immediate and serious danger to life or property from the outbreak or spread of fire.

(2) Where the chief officer believes on reasonable grounds that:

- (a) a fire emergency affects particular premises in a built-up area; and
- (b) flammable matter kept on the premises constitutes an immediate and serious danger to life or property in the event of fire; and
- (c) it is impracticable to give a direction under section 12C to eliminate the danger;

the chief officer may enter the premises with such force and assistance as is necessary and reasonable and—

- (d) direct the occupier to take specified action to eliminate the danger; or
- (e) arrange for such action to be taken otherwise.

(3) A direction under subsection (2) (d)—

- (a) may be given orally or in writing; and

- (b) shall specify the action which the chief officer believes on reasonable grounds is necessary and reasonable for the occupier to take in the emergency; and
  - (c) specify the period within which the occupier is to act.
- (4) The amount of any expenses necessarily and reasonably incurred by or on behalf of the Territory in respect of action taken in accordance with subsection (2) (e) is a debt due to the Territory by the occupier of the premises.
- (5) If there are 2 or more occupiers of the premises, their liability for the debt is joint and several.

**13 Power to make regulations for provision of fire appliances**

The regulations may provide for the giving of directions by the Minister, or a person authorised by the Minister, for the provision or installation of fire appliances in buildings.

**14 Directions under regulations to be complied with etc**

- (1) A person shall comply with a direction given under the regulations.
- Maximum penalty: 10 penalty units.
- (2) The owner of a building shall maintain to the satisfaction of the chief officer a fire appliance provided or installed in the building under a direction given under the regulations.
- Maximum penalty: 10 penalty units.

**15 Protection from liability for damage**

Neither the Territory nor any person is liable in any way for damage caused, either directly or indirectly, by the exercise of a power or the performance of a function by a person under this Act.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

**16 Identity cards**

- (1) The chief executive shall issue to the chief officer an identity card that specifies the name and appointment of the chief officer and bears a recent photograph of the chief officer.
- (2) The chief officer shall, on ceasing to be a member of the brigade, return his or her identity card to the chief executive.
- (3) The chief officer shall issue to each other member of the brigade an identity card that specifies the name and appointment of the member and bears a recent photograph of the member.
- (4) A member of the brigade shall, on ceasing to be a member, return his or her identity card to the chief officer.
- (5) A person who, without reasonable excuse, contravenes subsection (2) or (4) commits an offence.

Maximum penalty (subsection 5): 1 penalty unit.

**17 Determination of fees**

- (1) The Minister may, in writing, determine fees for this Act.

*Note* The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

**18 Regulation-making power**

- (1) The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—

- (a) measures for minimising the danger of fire, including the stacking, storing or keeping of flammable matter; and

- (b) protection of people or property from fire; and
- (c) the providing of services by members of the brigade (whether or not at a fire), including the use of brigade equipment; and
- (d) part-time members of fire brigades.

(3) The regulations may also prescribe offences for contraventions of the regulations and prescribe Maximum penalties of not more than 10 penalty units for offences against the regulations.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

This Act was originally a Commonwealth ordinance—the *Fire Brigades Ordinance 1957* No 20 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day). It was later renamed by the *Fire Brigade Ordinance 1974* (see s 1).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

After 11 May 1989 and before 10 November 1999, Acts commenced on their notification day unless otherwise stated (see *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) s 25).

#### Legislation before becoming Territory enactment

##### **Fire Brigade Act 1957 No 20**

notified 19 December 1957  
commenced 1 January 1958

as amended by

##### **Fire Brigades Ordinance 1958 No 16**

notified 2 October 1958  
commenced 2 October 1958

##### **Fire Brigades Ordinance 1960 No 2**

notified 30 June 1960  
commenced 30 June 1960

##### **Ordinances Revision (Decimal Currency) Ordinance 1966 No 19**

notified 23 December 1966  
commenced 23 December 1966

##### **Fire Brigade Ordinance 1974 No 54**

notified 25 November 1974  
commenced 1 March 1975 (Cwlth Gaz 1975 No S37)

## Endnotes

3 Legislation history

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### **Magistrates Court Ordinance 1985 No 67**

notified 19 December 1985

commenced 1 February 1986 (Cwlth Gaz 1986 No G3)

### **Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch 1**

notified 10 May 1989 (Gaz 1989 No S160)

s 1, s 2 commenced 10 May 1989 (s 2 (1))

sch 1 commenced 11 May 1989 (s 2 (2) and Cwlth Gaz 1989 No S164)

### **Legislation after becoming Territory enactment**

#### **Bushfire (Amendment) Act 1993 No 74 sch 2**

notified 22 October 1993 (Gaz 1993 No S215)

sch 2 commenced 22 October 1993 (s 2)

#### **Statute Law Revision (Penalties) Act 1994 No 81 sch**

notified 29 November 1994 (Gaz 1994 No S253)

s 1, s 2 commenced 29 November 1994 (s 2 (1))

sch commenced 29 November 1994 (s 2 (2) and Gaz 1994 No S269)

#### **Fire Brigade (Amendment) Act 1994 No 109**

notified 16 December 1994 (Gaz 1994 No S288)

commenced 16 December 1994 (s 2)

#### **Fire Brigade (Amendment) Act 1995 No 57**

notified 20 December 1995 (Gaz 1995 No S313)

commenced 20 December 1995 (s 2)

#### **Environment Protection (Consequential Provisions) Act 1997 No 93 sch 2**

notified 1 December 1997 (Gaz 1997 No S380)

s 1, s 2 commenced 1 December 1997 (s 2 (1))

sch 2 commenced 1 June 1998 (s 2 (3))

#### **Statute Law Revision (Penalties) Act 1998 No 54 sch**

notified 27 November 1998 (Gaz 1998 No S207)

s 1, s 2 commenced 27 November 1998 (s 2 (1))

sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

**Legislation (Consequential Amendments) Act 2001 No 44 pt 150**

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 150 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

**Justice and Community Safety Legislation Amendment Act 2003 A2003-2 pt 6**

notified LR 3 March 2003

s 1, s 2 commenced 3 March 2003 (LA s 75 (1))

pt 6 commenced 4 March 2003 (s 2 (1))

as repealed by

**Emergencies Act 2004 A2004-28 s 203**

notified LR 29 June 2004

s 1, s 2 commenced 29 June 2004 (LA s 75 (1))

s 203 commenced 1 July 2004 (s 2 (1) and CN2004-11)

**4 Amendment history****Title**

title am 1974 No 54

**Name of Act**

s 1 hdg sub R6 LA

s 1 am 1974 No 54; R6 LA

**Commencement**

s 2 om 2001 No 44 amdt 1.1705

**Relationship with Environment Protection Act 1996**

s 3 sub 1997 No 93 sch 2

**Interpretation for Act**

s 4

def **brigade** ins 1974 No 54 s 4

def **built-up area** ins 1994 No 109 s 4

def **chief officer** ins 1974 No 54 s 4

def **closure notice** ins 1995 No 57 s 4

def **fire brigade** om 1974 No 54 s 4

def **flammable matter** ins 1994 No 109 s 4

def **improvement notice** ins 1995 No 57 s 4

def **inflammable matter** om 1994 No 109 s 4

def **member of the fire brigade** sub 1974 No 54 s 4

def **occupancy notice** ins 1995 No 57 s 4

def **occupier** ins 1994 No 109 s 4

## Endnotes

### 4 Amendment history

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def **owner** sub 1994 No 109 s 4  
def **the chief officer** om 1974 No 54 s 4

#### **Chief officer to advise**

s 5 om 1974 No 54  
ins A2003-2 s 43

#### **Arrangement with the Board of Fire Commissioners of NSW**

s 5A ins 1958 No 16  
om 1974 No 54

#### **Appointment of the Chief Officer and other members of a fire brigade**

s 6 am 1958 No 16  
om 1974 No 54

#### **Powers and functions of chief officer and other persons at fires**

s 7 am 1974 No 54; 1989 No 38; 1994 No 109

#### **Control of bushfires**

s 8 am 1993 No 74; 1994 No 109

#### **Investigation of fires**

s 10 am 1974 No 54

#### **Inspection of premises**

s 11 am 1974 No 54; 1995 No 57

#### **Offences**

s 12 am 1966 No 19; 1974 No 54; 1994 No 81; 1994 No 109; 2001  
No 44 amdt 1.1706, amdt 1.1707; pars renum R5 LA

#### **Court orders for notices**

s 12A ins 1974 No 54  
am 1985 No 67  
sub 1995 No 57

#### **Improvement notices**

s 12AA ins 1995 No 57

#### **Occupancy notices**

s 12AB ins 1995 No 57

#### **Closure notices**

s 12AC ins 1995 No 57

#### **Compliance with notices**

s 12AD ins 1995 No 57

#### **Display of notices**

s 12AE ins 1995 No 57

#### **Enforcement of occupancy and closure notices**

s 12AF ins 1995 No 57

**Chief officer's power to revoke notices**

s 12AG ins 1995 No 57

**Court's power to vary or revoke notices**

s 12AH ins 1995 No 57

**Appeal**s 12B ins 1974 No 54  
am 1985 No 67; 1994 No 109; 2001 No 44 amdt 1.1708,  
amdt 1.1709**Elimination of fire hazard**s 12C ins 1994 No 109  
am 1997 No 93**Contravention of direction**

s 12D ins 1994 No 109

**Review of decisions**

s 12E ins 1994 No 109

**Emergency elimination of fire hazard**

s 12F ins 1994 No 109

**Directions under the regulations to be complied with etc**

s 14 am 1966 No 19; 1974 No 54; 1994 No 81 sch

**Protection from liability for damage**s 15 am 1974 No 54; 1989 No 38; 2001 No 44 amdt 1.1710,  
amdt 1.1711**Identity cards**s 16 orig s 16 am 1960 No 2; 1966 No 19; 1974 No 54; 1989 No 38;  
1994 No 81; 1994 No 109; 1998 No 54 sch  
om 2001 No 44 amdt 1.1713  
(prev s 15A) ins 1994 No 109  
renum 2001 No 44 amdt 1.1714**Determination of fees**

s 17 ins 2001 No 44 amdt 1.1712

**Regulation-making power**

s 18 ins 2001 No 44 amdt 1.1713

## Endnotes

5 Earlier republications

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### 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1989 No 38	31 July 1991
2	Act 1993 No 74	31 January 1994
3	Act 1995 No 57	1 January 1996
4	Act 1998 No 54	31 March 1999
5	Act 2001 No 44	24 January 2002
6	A2003-2	4 March 2003

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