



Australian Capital Territory

# **Fire Brigade Regulations 1958      No 1**

made under the

**Fire Brigade Act 1957**

**Republication No 3**

**Effective: 4 March 2003**

Republication date: 4 March 2003

Last amendment made by A2003-2

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Fire Brigade Regulations 1958*, made under the *Fire Brigade Act 1957* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 4 March 2003. It also includes any amendment, repeal or expiry affecting the republished law to 4 March 2003.

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 Regulations 1958

made under the

**Fire Brigade Act 1957**

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Fire Brigade Regulations 1958

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Australian Capital Territory

# Fire Brigade Regulations 1958

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made under the

**Fire Brigade Act 1957**

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## 1 Name of regulations

These regulations are the *Fire Brigade Regulations 1958*.

## 2 Definitions for regulations

In these regulations:

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

***boarding-house***—see the *Public Health (Boarding-houses) Regulations*.

***commercial building*** means a building that is used (or, being unoccupied, is normally used) for trade, business, commercial or industrial purposes, and includes a hospital, a school, a theatre, a public hall, a hotel, a hostel, a boarding house and a residential flat building.

***public entertainment*** means an exhibition, lecture, amusement, game or sport admission to which may be procured by payment of money, or by any other means, as the price or condition of admission.

***public hall*** means a room or building of a permanent character where public entertainments or public meetings are or may be held, and includes any building or premises used in connection with any such room or building.

***public meeting*** means an assemblage of persons for a public purpose of a political, religious, charitable or intellectual nature, whether or not a charge is made for admission, but does not include an assemblage of persons for religious worship only.

***residential flat building*** means a building containing 1 or more flats, but does not include a row of 2 or more dwellings attached to each other that are commonly known as semidetached or terrace buildings.

*theatre* means a theatre constructed or used for the presentation of any entertainment on the stage or for the showing of cinematograph pictures, and includes any building or premises used in connection with the theatre.

### **3 Minister or authorised person may direct installation of fire appliances**

- (1) The Minister may direct the owner of a commercial building to provide or install in the building the fire appliance stated in the direction.
- (2) The chief officer, or a person authorised in writing by the chief officer to make inspections under this regulation, may enter a building—
  - (a) to work out whether a direction under this regulation has been complied with; or
  - (b) to inspect fire appliances provided or installed in the building under a direction under this regulation.
- (3) A person commits an offence if—
  - (a) the person knows that, or is reckless about the fact that, someone else is the chief officer or a person authorised in writing by the chief officer to make inspections under this regulation; and
  - (b) the person obstructs, hinders, intimidates or resists the other person in the exercise of the person's functions under subsection (2).

Maximum penalty: 10 penalty units.

- (4) Strict liability applies to subregulation (3) (b).

**5 Attendance of brigade members at public meetings etc**

(1) If—

- (a) scenery is used in a stage presentation at a public entertainment or public meeting; or
- (b) the nature of, or the decorations, appliances or lighting used at, a public entertainment or public meeting are or is such as, in the opinion of the chief officer, to require the attendance at the entertainment or meeting of members of the brigade,

1 or more members of the brigade, as directed by the chief officer, shall be in attendance during the whole of the entertainment or meeting.

- (2) A fee at the rate of \$4 per hour shall be charged for the attendance of each member.
- (3) A fee charged under subregulation (2) is payable—
  - (a) if the public entertainment is given, or the public meeting is held, in a theatre or public hall—by the owner of the theatre or public hall; or
  - (b) in any other case—by the organiser of the entertainment or meeting.

**6 Chief officer to fix fees for approved services rendered by brigade**

- (1) The members of the brigade may, at the request of a person, render the services the chief officer approves.
- (2) The chief officer may permit the use, in the rendering of a service referred to in subregulation (1), of the equipment of the brigade.
- (3) The chief officer shall not approve of the rendering of services or permit the use of equipment under this regulation unless the person who requests the provision of the services agrees to the terms and conditions (including the payment of fees) the chief officer



determines to be the terms and conditions on which the services shall be provided and the use of the equipment shall be permitted.

**7 Chief officer may give directions in emergency**

Notwithstanding the provisions of regulation 6 (3), the chief officer may, to carry out rescue operations or in an emergency, give directions to the members of the brigade to do the things necessary to carry out the rescue operation or deal with the emergency.

## 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.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	RI = reissue
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	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

These regulations were originally called the *Fire Brigade Regulations* and were originally made under 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, and the regulations made under them, into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. The *Fire Brigades Ordinance 1957* and the *Fire Brigade Regulations* were converted into ACT enactments on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name of the ordinance 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).

These regulations were renamed as the *Fire Brigade Regulations 1958* by the *Legislation Act 2001*.

Before 11 May 1989, regulations commenced on their notification day unless otherwise stated (see *Interpretation Ordinance 1937* s 16, *Interpretation Act 1967* s 50).

#### Legislation before becoming Territory enactment

##### **Fire Brigade Regulations 1958 No 1**

notified 2 January 1958

commenced 2 January 1958

as amended by

##### **Amendments of Fire Brigades Regulations 1960 No 5**

notified 11 August 1960

commenced 11 August 1960

##### **Amendments of Fire Brigades Regulations 1969 No 2**

notified 19 June 1969

commenced 19 June 1969

##### **Amendments of Fire Brigades Regulations 1974 No 31**

notified 25 November 1974

commenced 25 November 1974

## Endnotes

### 4 Amendment history

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#### **Regulations to revise regulations in force under Ordinances of the ACT 1979 No 26 sch**

notified 29 November 1979  
commenced 29 November 1979

#### **Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch 3**

notified 10 May 1989 (Cwlth Gaz 1989 No S160)  
s 1, s 2 commenced 10 May 1989 (s 2 (1))  
sch 3 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

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

#### **Regulations Revision (Penalties) Regulations 1996 No 8 sch**

notified 6 June 1996  
commenced 6 June 1996 (reg 2)

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 151**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 151 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

#### **Justice and Community Safety Legislation Amendment Act 2003 A2003-2 pt 7**

notified LR 3 March 2003  
s 1, s 2 commenced 3 March 2003 (LA s 75 (1))  
pt 7 commenced 4 March 2003 (s 2 (1))

## 4 Amendment history

#### **Name of regulations**

reg 1 am 1974 No 31 reg 1; R2 LA

#### **Definitions for regulations**

reg 2 def **commercial building** am 1974 No 31 reg 2

#### **Minister or authorised person may direct installation of fire appliances**

reg 3 am 1969 No 2 reg 1; 1974 No 31 sch; 1979 No 26 sch; 1996 No 8 sch  
sub A2003-2 s 45

#### **Inspection etc of fire appliances in commercial buildings**

reg 4 om 1960 No 5 reg 1

**Attendance of brigade members at public meetings etc**

reg 5 am 1969 No 2 reg 2; 1974 No 31 reg 3, sch

**Chief officer to fix fees for approved services rendered by brigade**

reg 5A renum as reg 6

**Chief officer may give directions in an emergency**

reg 5B renum as reg 7

**Chief officer to fix fees for approved services rendered by brigade**

reg 6 orig reg 6 am ord 1989 No 38 sch 3  
om Act 2001 No 44 amdt 1.1715  
(prev 5A) ins 1960 No 5 reg 2  
am 1974 No 31 sch  
renum as reg 6 Act 2001 No 44 amdt 1.1716

**Chief officer may give directions in emergency**

reg 7 (prev 5B) ins 1974 No 31 reg 4  
renum as reg 7 Act 2001 No 44 amdt 1.1716

**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	ord 1989 No 38	31 August 1991
2	Act 2001 No 44	14 May 2002

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