

# AUSTRALIAN CAPITAL TERRITORY

## Regulations 1980 No. 12

### Regulations under the *Fire Brigade (Administration) Ordinance 1974*<sup>1</sup>

I, ROBERT JAMES ELLICOTT, the Minister of State for the Capital Territory, hereby make the following Regulations under the *Fire Brigade (Administration) Ordinance 1974*.

Dated this fourth day of August 1980.

R. ELLICOTT

Minister of State for the Capital Territory

### FIRE BRIGADE (ADMINISTRATION) REGULATIONS

#### Citation

1. These Regulations may be cited as the *Fire Brigade (Administration) Regulations*.

#### Interpretation

2. In these Regulations—

“long service leave benefits” means benefits of the kind provided under the *Commonwealth Employees' Furlough Act 1943* or sections 16 and 17 of the *Long Service Leave (Commonwealth Employees) Act 1976*;

“the Ordinance” means the *Fire Brigade (Administration) Ordinance 1974*.

#### Repeal of former *Fire Brigade (Administration) Regulations*

3. Regulations 1974 No. 30 are repealed.

#### References in awards to repealed Regulations

4. For the purposes of these Regulations, a reference in an award by the Australian Conciliation and Arbitration Commission to the Regulations repealed by regulation 3, or to a provision of those Regulations, shall be read as a reference to these Regulations, or to the corresponding provision of these Regulations, as the case may be.

#### Long service leave benefits for certain persons

5. Subject to regulation 6, for the purposes of section 16 of the Ordinance, the prescribed terms and conditions of employment of a person who became a member before 26 May 1978 (being terms and conditions relating to long

service leave benefits) are, in respect of service on or after 25 November 1974, the terms and conditions specified in

- (a) clause 22 of the Fire Brigade Employees (A.C.T.) Award 1975 made by the Australian Conciliation and Arbitration Commission, being Award No. C321 of 1975; or
- (b) the *Long Service Leave (Commonwealth Employees) Act* 1976, whichever provides the greater long service leave benefits for the person.

#### **Calculation of long service leave benefits due to certain persons**

6. For the purpose of calculating the long service leave benefits due in pursuance of paragraph 5 (a) to a person who became a member, before 26 May 1978 and who had, immediately before becoming a member, been employed by the Board of Fire Commissioners of New South Wales—

- (a) a period of service that that Board would have been required to take into account in calculating the long service leave benefits that would have been due by that Board to the person immediately before the person became a member shall be deemed to have been a period of service of the person with the Brigade, whether or not the period of service would, of itself, have entitled the person to the provision of long service leave benefits by that Board; and
- (b) long service leave benefits enjoyed by the person in respect of a period of service referred to in paragraph (a) shall be deemed to have been enjoyed by the person in respect of service with the Brigade.

#### **Confirmation of appointment as Fourth Class Fireman**

7. A person is qualified for confirmation of appointment as a Fourth Class Fireman if he has passed an examination conducted by the Commissioner for the purposes of this regulation.

#### **Promotion to Third Class Fireman**

8. Subject to sub-regulation 15 (1), a person is eligible for promotion to the rank of Third Class Fireman if the person has—

- (a) held the rank of Fourth Class Fireman for a continuous period of not less than 1 year; and
- (b) passed an examination conducted by the Commissioner for the purposes of this regulation.

#### **Promotion to Second Class Fireman**

9. Subject to sub-regulation 15 (1), a person is eligible for promotion to the rank of Second Class Fireman if the person has --

- (a) held the rank of Third Class Fireman for a continuous period of not less than 1 year; and
- (b) passed an examination conducted by the Commissioner for the purposes of this regulation.

**Promotion to First Class Fireman Grade B**

10. Subject to sub-regulation 15 (1), a person is eligible for promotion to the rank of First Class Fireman, Grade B if the person has—

- (a) held the rank of Second Class Fireman for a continuous period of not less than 1 year; and
- (b) passed an examination conducted by the Commissioner for the purposes of this regulation.

**Promotion to First Class Fireman Grade A**

11. A person is eligible for promotion to the rank of First Class Fireman, Grade A if the person has held the rank of First Class Fireman Grade B for a continuous period of not less than 1 year.

**Promotion to Senior Fireman**

12. Subject to sub-regulation 15 (2), a person is eligible for promotion to the rank of Senior Fireman if the person has—

- (a) held the rank of First Class Fireman, Grade A for a continuous period of not less than 2 years; and
- (b) passed an examination conducted by the Commissioner for the purposes of this regulation.

**Promotion to Station Officer**

13. A person is eligible for promotion to the rank of Station Officer if the person has—

- (a) held the rank of Senior Fireman for a continuous period of not less than 4 years; and
- (b) passed an examination conducted by the Commissioner for the purposes of this regulation.

**Promotion to District Officer**

14. A person is eligible for promotion to the rank of District Officer if the person has passed an examination conducted by the Commissioner for the purposes of this regulation.

**Consequence of failing certain examinations**

15. (1) Where a person fails to pass an examination conducted for the purposes of regulation 8, 9 or 10, the period during which he is required by the regulation to hold his rank in order to become eligible for promotion is increased by 1 month in respect of each failure.

(2) A person who fails to pass an examination conducted for the purposes of regulation 12 is not eligible to sit for that examination again before the expiration of a period of 3 months after the date of the examination.

**Satisfactory conduct and service**

16. Notwithstanding the provisions of regulations 8 to 14 (inclusive), the Commissioner shall not promote a member to a higher rank unless the conduct and service of the member are satisfactory.

**Seniority in relation to promotions**

17. Where more than one person is eligible for promotion to a rank, the Commissioner shall—

- (a) where each eligible person passed the examination conducted in relation to promotion to that rank at the same time—promote to that rank the more or most senior of those persons; or
- (b) in any other case—promote to that rank the person who first passed the examination conducted in relation to promotion to that rank.

**Syllabus for examinations**

18. An examination conducted by the Commissioner for the purpose of these Regulations shall be conducted on the basis of the syllabus specified in the general orders in relation to that examination.

**Acting appointments**

19. The Commissioner shall not appoint an officer to act temporarily in a higher rank unless the officer is—

- (a) eligible for promotion to that rank; and
- (b) the only officer, or the more or most senior of the officers, so eligible.

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**NOTE**

1. Notified in the *Commonwealth of Australia Gazette* on 21 August 1980.