

South Australia

# Fire and Emergency Services Regulations 2005

under the *Fire and Emergency Services Act 2005*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Fire and Emergency Services Regulations 2005*.

### 3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

*Act* means the *Fire and Emergency Services Act 2005*;

*Australian Standard* means a standard of Standards Australia;

*incident management system* (being a system that relates to SACFS)—see regulation 5;

*incident response plan* (being a plan that relates to SACFS)—see regulation 5;

*operation*, in relation to the activities of SACFS, includes a practice or training session for members of an SACFS organisation;

*recognised emergency service* means—

- (a) an emergency services organisation; or
- (b) South Australia Police; or
- (c) SA St John Ambulance Service Inc; or
- (d) SA Ambulance Service;

*SA Water* means the South Australian Water Corporation.

- (2) A reference in these regulations to the *Chief Officer* is a reference to the Chief Officer of the emergency services organisation to which the relevant provision relates.

## Part 2—Constitution of the Board

### 4—Constitution of the Board

For the purposes of section 11(1)(e)(iii) of the Act, a person will be taken to have suitable volunteer experience if the person has undertaken voluntary effort for any common or community good within South Australia.

## Part 3—SACFS

### Division 1—Incident management systems

#### 5—Incident management system

- (1) SACFS will prepare and maintain an overall plan for fighting fires and dealing with other emergencies in the country (the *incident management system*).
- (2) The objective of the incident management system will be to achieve—
  - (a) the greatest possible protection of life, property and the environment in the case of a fire or other emergency; and

- (b) the greatest possible effectiveness and efficiency in the operations of SACFS in the case of a fire or other emergency.
- (3) Each SACFS organisation must prepare and maintain a plan for the implementation of the incident management system in its area of responsibility (an *incident response plan*).
- (4) A plan under subregulation (3) must—
  - (a) set incident response goals; and
  - (b) set out strategies for fighting fires and dealing with other emergencies in its area, and provide for the periodical review of those strategies; and
  - (c) set out procedures to facilitate co-ordination between the SACFS organisation and other recognised emergency services; and
  - (d) provide for the optimum use of equipment and other resources; and
  - (e) set goals for the training and proficiency of the members of the SACFS organisation.
- (5) An SACFS organisation must, in order to ensure that it can implement the incident management system in accordance with its plan—
  - (a) work to achieve and maintain the highest possible standards in the following organisational areas:
    - (i) operations;
    - (ii) planning;
    - (iii) logistics;
    - (iv) finance; and
  - (b) carefully manage its equipment and other resources and work (so far as may be reasonable) to develop and improve that equipment and those resources; and
  - (c) work to achieve and maintain the highest possible standards in occupational health, safety and welfare; and
  - (d) encourage and support the training and development of its members; and
  - (e) without limiting the operation of paragraph (d), ensure that it complies with any training requirements for SACFS organisations specified by the Chief Officer.

## **Division 2—SACFS organisations**

### **Subdivision 1—SACFS brigades**

#### **6—Constitution of an SACFS brigade**

- (1) A group of interested persons may apply to the Chief Officer for the constitution of an SACFS brigade in relation to a particular area of the State.

- (2) An application under subregulation (1) may propose that the SACFS brigade be established for a particular purpose associated with SACFS operations in a particular area of the State.
- (3) An application under subregulation (1) must—
  - (a) be made in a manner and form approved by the Chief Officer; and
  - (b) define the area in relation to which it is proposed that the brigade be established; and
  - (c) list the full name, residential address, occupation and date of birth of each person who is applying to be a foundation member of the brigade; and
  - (d) specify the location of any proposed fire station for the brigade; and
  - (e) if the application falls within the ambit of subregulation (2)—specify the proposed purpose of the brigade; and
  - (f) propose a constitution for the brigade; and
  - (g) contain such other information as the Chief Officer may require.
- (4) If the Chief Officer establishes an SACFS brigade, the Chief Officer must furnish the brigade with a certificate in the form of Schedule 1.

#### **7—Registration of members of SACFS brigades**

- (1) A person will not be recognised as a member of an SACFS brigade unless the person is registered as a member of that brigade by the Chief Officer.
- (2) The Chief Officer may refuse to register a person as a member of an SACFS brigade if—
  - (a) the Chief Officer requires the person to undergo a medical examination determined by the Chief Officer and the person fails to pass that examination; or
  - (b) the Chief Officer considers that the person is not a fit and proper person to be a member of an SACFS brigade; or
  - (c) in the case of a person who is applying to be registered as a fire-fighter—the Chief Officer considers that the person would not be reasonably available to respond to fires or other emergencies, or otherwise to carry out his or her functions and responsibilities as such a member of the brigade; or
  - (d) the Chief Officer is satisfied that some other reasonable ground exists on which to refuse registration.
- (3) An application to register a person as a member of an SACFS brigade must be in a form approved by the Chief Officer.
- (4) Unless the Chief Officer otherwise determines, the registration of a person as a member of an SACFS brigade will at first be on probation for a period of 6 months.
- (5) Subregulation (4) does not apply in relation to a person—
  - (a) who has transferred from one brigade to another brigade; and

- (b) if so determined by the Chief Officer—whose period between being a member of one brigade and becoming a member of the other brigade does not exceed a period specified by the Chief Officer for the purposes of this provision; and
  - (c) who was not on probation as a member of the brigade from which he or she is transferring.
- (6) During a period of probation, the person must (unless the Chief Officer otherwise determines) successfully complete an introductory course of training approved by the Chief Officer.
- (7) If a person successfully completes a course in accordance with subregulation (6), the registration of that person as a member of an SACFS brigade will be taken to have been confirmed by the Chief Officer.
- (8) Unless the Chief Officer otherwise determines, if a person fails to complete a course in accordance with subregulation (6)—
  - (a) the person will be registered as an operational support member; or
  - (b) with the agreement of the person, his or her registration as a member of an SACFS brigade will lapse.
- (9) Subject to section 70 of the Act, the Chief Officer may terminate the registration of a person as a member of an SACFS brigade on any reasonable ground.

## **8—Categories of membership**

- (1) There will be the following categories of membership in an SACFS brigade:
  - (a) cadet fire-fighter;
  - (b) fire-fighter;
  - (c) operational support member;
  - (d) honorary member.
- (2) A person is eligible to be a cadet fire-fighter if the person is of or above the age of 11 years and under the age of 18 years.
- (3) The following provisions apply in relation to cadet fire-fighters:
  - (a) a cadet fire-fighter must not be permitted to attend a fire or other emergency;
  - (b) subject to the operation of paragraph (a), a cadet fire-fighter may, under the supervision of another member of the brigade, operate pumps and hoses, and travel on fire appliances;
  - (c) cadet fire-fighters may hold their own meetings under the supervision of the brigade captain, or another member of the brigade nominated by the brigade captain;
  - (d) a cadet fire-fighter may attend an ordinary meeting of the brigade, but—
    - (i) a cadet fire-fighter is not eligible to vote on a matter arising for determination at a meeting of the brigade; and

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- (ii) a cadet fire-fighter will not be counted for the purpose of determining a quorum, or any other question relating to the attendance of members of the brigade at a meeting;
    - (e) a cadet fire-fighter may, after attaining the age of 16 years, apply to become a fire-fighter or operational support member.
  - (4) A person is eligible to be a fire-fighter if the person—
    - (a) is of or above the age of 16 years and has made application under subregulation (3)(e); or
    - (b) is of or above the age of 18 years.
  - (5) The brigade must determine the extent (if any) to which an operation support member may engage in fire-fighting activities as a member of the brigade.
  - (6) The brigade must, in acting under subregulation (5), comply with any relevant policy issued by the Chief Officer.
  - (7) A person is eligible to be an honorary member of an SACFS brigade if—
    - (a) the person is a member of the brigade and the nomination is based on the person's service to the brigade, or SACFS more generally, over a significant period of time; or
    - (b) the person is a member of the community and the nomination is based on the person's service to the brigade, SACFS more generally, or the community.
  - (8) An application to become a member of an SACFS brigade must be made to the brigade in a manner and form approved by the Chief Officer and, in the case of an application by a person under the age of 18 years, must be accompanied by the written consent of a parent or guardian of the applicant.
  - (9) A person may be proposed as an honorary member of an SACFS brigade without formal application.
  - (10) An application for membership must be considered at a meeting of the brigade.
  - (11) If—
    - (a) an SACFS brigade accepts an application; or
    - (b) the membership category of a person who is a member of an SACFS brigade changes,the brigade must apply to the Chief Officer for registration of that person as a member, or as a member in his or her new category (as the case may be).
  - (12) An application under subregulation (11) must be made by the end of the month immediately following the month during which the application for membership is accepted, or the category of membership changes.
  - (13) A person may not, without the approval of the Chief Officer, be a member of 2 or more brigades at the same time.
  - (14) A person who becomes an honorary member of an SACFS brigade under subregulation (7)(b) will not be a registered member of SACFS (and may not be elected to any position under these regulations by virtue of the honorary membership or vote at any meeting of the brigade).

## 9—Brigade officers

- (1) Pursuant to section 70 of the Act, each SACFS brigade will have the following officers:
  - (a) a brigade captain;
  - (b) unless the Chief Officer otherwise determines—at least 2, but not more than 4, lieutenants (with the order of seniority of the lieutenants being decided in a manner determined by the brigade);
  - (c) with the approval of the Chief Officer—1 or more senior fire-fighters (with the number of senior fire-fighters not exceeding the number of lieutenants and the order of seniority of the senior fire-fighters being decided in a manner determined by the brigade).
- (2) Unless the Chief Officer otherwise determines, each position referred to in subregulation (1)(b) or (c) will be filled by election.
- (3) The specific functions of each officer are set out in Schedule 3.

## 10—Prescribed positions

- (1) Subject to this regulation, each SACFS brigade must have, in addition to its officers—
  - (a) a communications co-ordinator; and
  - (b) a training co-ordinator; and
  - (c) an equipment co-ordinator; and
  - (d) a logistics support co-ordinator; and
  - (e) an occupational health, safety and welfare co-ordinator; and
  - (f) an administrative co-ordinator.
- (2) Unless the Chief Officer otherwise determines (and subject to subregulation (4)), each position referred to in subregulation (1) will be filled by election.
- (3) The specific functions that attach to each position are set out in Schedule 4.
- (4) Despite a preceding subregulation, a brigade captain may decide to assume personally the functions of any position under subregulation (1) and, in that event, the position need not be filled.
- (5) An SACFS brigade may, with the approval of the Chief Officer, create such other positions within the brigade as the brigade thinks fit.
- (6) Unless the Chief Officer otherwise determines, a position under subregulation (5) will be filled in a manner determined by the brigade.
- (7) A member of an SACFS brigade holding a position under this regulation is responsible to the brigade captain for the performance of the functions that attach to the position.

## 11—Brigade elections

- (1) For the purposes of this regulation, the Chief Officer will determine whether an SACFS brigade will hold its elections in each year designated by an even number or in each year designated by an odd number.

- (2) Subject to subregulation (3), brigade elections must be held in July or August of an election year for that brigade.
- (3) The Chief Officer may, in special circumstances, allow a brigade to hold its elections at some other time.
- (4) Nominations of candidates for brigade elections will be called by the administrative co-ordinator of the brigade in accordance with the brigade's constitution.
- (5) Subject to these regulations, a person is eligible to be nominated for election to a position if the person is a registered member of the brigade.
- (6) A person is not eligible to be nominated for election to an officer rank if the person—
  - (a) would, if elected, hold the rank and the rank of group officer or deputy group officer at the same time; or
  - (b) would, if elected, hold the rank and a command or operational rank in another recognised emergency service at the same time; or
  - (c) has been disqualified from holding the rank by the Chief Officer.
- (7) In addition to subregulation (6), a person is not eligible to be nominated for election as brigade captain unless the person—
  - (a) has been a registered member of the brigade for at least 2 years; and
  - (b) has successfully completed appropriate courses of training approved by the Chief Officer.
- (8) The Chief Officer may, on the application of an SACFS brigade—
  - (a) determine that subregulation (6)(a) or (b) will not apply to a particular person; or
  - (b) dispense with a requirement under subregulation (7) if the Chief Officer is satisfied that there is no member of the brigade who satisfies the particular requirement, or that no member of the brigade who satisfies the particular requirement is willing to stand for election as brigade captain.
- (9) An election will be by secret ballot (unless the election is uncontested).
- (10) Each member of the brigade attending the meeting at which the elections are held is entitled to vote at the elections.
- (11) Voting for a position if only 1 person is to be elected will be conducted as follows:
  - (a) each member will vote for a candidate;
  - (b) after the votes under paragraph (a) are counted, the candidate with the fewest votes will be excluded and—
    - (i) if only 1 candidate remains, he or she will be elected; and
    - (ii) if 2 or more candidates remain, each member will, in respect of the remaining candidates, again vote for 1 candidate;
  - (c) the process under paragraph (b) will be continued until 1 candidate remains.
- (12) Voting for a position if 2 or more persons are to be elected will be conducted as follows:
  - (a) each member will vote for candidates up to the number required to be elected;

- (b) after the votes under paragraph (a) are counted, the candidate with the fewest votes will be excluded and if more candidates remain than the number required to be elected, each member will, in respect of the remaining candidates, again vote for candidates up to the number required to be elected;
  - (c) the process under paragraph (b) will be continued until the number of candidates remaining is equal to the number required to be elected.
- (13) For the purposes of subregulations (11) and (12), if 2 candidates have an equal number of votes and 1 of them must be excluded, the person presiding at the election will determine the question by lot.
- (14) For the purposes of subregulation (12), voting for 1 candidate is the minimum requirement for a valid vote and voting for as many candidates as there are vacancies is the maximum number of votes that may be exercised for a valid vote.
- (15) A person elected to a position in an SACFS brigade holds that position from 1 September of the year of his or her election (except if a person is elected after 1 September of a particular election year, in which case the person will hold the position to which he or she is elected from the date of the election).
- (16) A person holds a particular position in an SACFS brigade until 31 August in the next election year of the brigade.
- (17) Subregulation (16) is subject to the following qualifications:
  - (a) a person ceases to hold a position in an SACFS brigade if the person ceases to be a member of that brigade;
  - (b) unless otherwise determined by the Chief Officer in relation to the particular person, a person ceases to hold an officer rank in an SACFS brigade if the person—
    - (i) assumes the rank of group officer or deputy group officer; or
    - (ii) assumes a command or operational rank in another recognised emergency service;
  - (c) a person may resign from a position in an SACFS brigade by written notice to the brigade;
  - (d) a person may be demoted or disqualified from a particular position by the Chief Officer;
  - (e) a person elected to a position in an SACFS brigade at a supplementary election on account of a casual vacancy holds the position for the balance of the term of his or her predecessor;
  - (f) if a person's successor is not elected by 31 August of an election year, the person may continue to hold his or her position until a successor is elected.
- (18) If—
  - (a) a brigade election fails; or
  - (b) a casual vacancy occurs in a position in a brigade,the brigade must hold a supplementary election in accordance with the brigade's constitution.

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- (19) Pending the election of a person to fill a vacant position under subregulation (18)(b) (other than brigade captain), the brigade captain may appoint a member of the brigade to the position on an acting basis.
- (20) If the vacant position under subregulation (18)(b) is that of brigade captain—
- (a) if the brigade is a member of an SACFS group—the group officer; and
  - (b) if the brigade is not a member of an SACFS group—the regional officer,
- may appoint a member of the brigade to the rank of brigade captain on an acting basis.
- (21) A person may be re-elected to a position in an SACFS brigade.

## **12—Transfer of membership and resignation**

- (1) A member of an SACFS brigade may, on written application to another brigade, apply to transfer his or her membership to that other brigade.
- (2) If a member of an SACFS brigade transfers to another brigade, a rank that he or she holds at brigade level is not transferred.
- (3) A member of an SACFS brigade may resign by written notice to the brigade.

## **13—Suspension of operations**

- (1) The Chief Officer may, by notice in the Gazette, suspend the operations of an SACFS brigade for a period specified in the notice if—
  - (a) the membership of the brigade has fallen to a level where, in the opinion of the Chief Officer, the brigade can no longer function effectively; or
  - (b) the brigade fails to carry out a function under the Act; or
  - (c) the brigade fails to comply with these regulations.
- (2) The Chief Officer must, in determining whether or not to act under subregulation (1), consult with the members of the brigade.
- (3) The Chief Officer may, by further notice in the Gazette—
  - (a) extend a period of suspension under this regulation; or
  - (b) revoke a period of suspension under this regulation.
- (4) This regulation does not derogate from the power of the Chief Officer to dissolve an SACFS brigade under section 68 of the Act.

## **Subdivision 2—SACFS groups**

### **14—Constitution of an SACFS group**

- (1) Two or more SACFS brigades may apply to the Chief Officer for the constitution of an SACFS group.
- (2) An application under subregulation (1) must—
  - (a) be made in a manner and form approved by the Chief Officer; and
  - (b) propose a constitution for the group; and
  - (c) contain such information as the Chief Officer may require.

- (3) If the Chief Officer establishes an SACFS group, the Chief Officer must furnish the group with a certificate in the form of Schedule 5.

### **15—Membership of an SACFS group**

- (1) All the members of the SACFS brigades that make up a particular SACFS group will be members of the group.
- (2) A person who is not a member of an SACFS brigade may be appointed as an honorary member of an SACFS group taking into account the following provisions:
  - (a) a person is eligible for honorary membership of a group if the nomination is based on the person's service to the group, SACFS more generally, or the community;
  - (b) a person may be proposed as an honorary member of a group without formal application;
  - (c) an appointment will be made by the SACFS group committee after consultation with such members of the group as the committee thinks fit;
  - (d) a person who is appointed as an honorary member of a group may not be elected to any position within the group under these regulations or exercise any vote as a member of the group.

### **16—Group officers**

- (1) Pursuant to section 70 of the Act, each SACFS group will have the following officers:
  - (a) a group officer;
  - (b) unless the Chief Officer otherwise determines—at least 1, but not more than 3, deputy group officers (and the order of seniority of the deputy group officers will be decided in a manner determined by the group).
- (2) Unless the Chief Officer otherwise determines, each position referred to in subregulation (1)(b) will be filled by election.
- (3) The specific functions of each officer are set out in Schedule 7.

### **17—Prescribed group positions**

- (1) Unless the Chief Officer otherwise determines, in addition to its officers, each SACFS group must have—
  - (a) a group communications co-ordinator; and
  - (b) a group training co-ordinator; and
  - (c) a group equipment co-ordinator; and
  - (d) a group logistics support co-ordinator; and
  - (e) a group health and safety representative; and
  - (f) a group administrative co-ordinator.
- (2) Unless the Chief Officer otherwise determines, each position referred to in subregulation (1) will be filled by election.
- (3) The specific functions that attach to each position are set out in Schedule 8.

- (4) A member of an SACFS group holding a position under this regulation is responsible to the group officer for the performance of the functions that attach to the position.

## **18—Group elections**

- (1) For the purposes of this regulation, the Chief Officer will determine whether an SACFS group will hold its elections in each year designated by an even number or in each year designated by an odd number.
- (2) Subject to subregulation (3), group elections must be held in July or August of an election year for that group.
- (3) The Chief Officer may, in special circumstances, allow a group to hold its elections at some other time.
- (4) Nominations of candidates for group elections will be called by the group administrative co-ordinator in accordance with the group's constitution.
- (5) Subject to these regulations, a person is eligible to be nominated for election to a position if the person is a registered member of a brigade in the group.
- (6) Subject to subregulation (7), a person is not eligible to be nominated for election to an officer rank if the person—
- (a) would, if elected, hold the rank and an officer rank in a brigade at the same time; or
  - (b) would, if elected, hold the rank and a command or operational rank in another recognised emergency service at the same time; or
  - (c) has been disqualified from holding the rank by the Chief Officer.
- (7) The Chief Officer may, on the application of an SACFS group, determine that subregulation (6)(a) or (b) will not apply to a particular person.
- (8) In addition to subregulation (6), a person is not eligible to be nominated for election as group officer unless the person has successfully completed appropriate courses of training approved by the Chief Officer.
- (9) The Chief Officer may, on the application of an SACFS group, dispense with the requirement under subregulation (8) if the Chief Officer is satisfied that it is appropriate in the circumstances of the particular case.
- (10) An election will be by secret ballot (unless the election is uncontested).
- (11) Each member of the group who is a brigade representative attending the meeting at which the elections are held is entitled to vote at the elections.
- (12) Voting for a position if only 1 person is to be elected will be conducted as follows:
- (a) each brigade representative will vote for a candidate;
  - (b) after the votes under subregulation (12)(a) are counted, the candidate with the fewest votes will be excluded and—
    - (i) if only 1 candidate remains, he or she will be elected; and
    - (ii) if 2 or more candidates remain, each brigade representative will, in respect of the remaining candidates, again vote for 1 candidate;
  - (c) the process under paragraph (b) will be continued until 1 candidate remains.

- (13) Voting for a position if 2 or more persons are to be elected will be conducted as follows:
- (a) each brigade representative will vote for candidates up to the number required to be elected;
  - (b) after the votes under paragraph (a) are counted, the candidate with the fewest votes will be excluded and if more candidates remain than the number required to be elected, each brigade representative will, in respect of the remaining candidates, again vote for candidates up to the number required to be elected;
  - (c) the process under paragraph (b) will be continued until the number of candidates remaining is equal to the number required to be elected.
- (14) For the purposes of subregulations (12) and (13), if 2 candidates have an equal number of votes and 1 of them must be excluded, the person presiding at the election will determine the question by lot.
- (15) For the purposes of subregulation (13), voting for 1 candidate is the minimum requirement for a valid vote and voting for as many candidates as there are vacancies is the maximum number of votes that can be exercised for a valid vote.
- (16) A person elected to a position in an SACFS group holds that position from 1 September of the year of his or her election (unless a person is elected after 1 September of a particular election year, in which case the person will hold the position to which he or she is elected from the date of the election).
- (17) A person holds a particular position in an SACFS group until 31 August in the next election year of the group.
- (18) Subregulation (17) is subject to the following qualifications:
- (a) a person ceases to hold a position in an SACFS group if the person ceases to be a member of a brigade in the group;
  - (b) unless otherwise determined by the Chief Officer in relation to the particular person, a person ceases to hold an officer rank in an SACFS group if the person—
    - (i) assumes a rank in a brigade; or
    - (ii) assumes a command or operational rank in another recognised emergency service;
  - (c) a person may resign from a position in an SACFS group by written notice to the administrative co-ordinator of the group;
  - (d) a person may be demoted or disqualified from a particular position by the Chief Officer;
  - (e) a person elected to a position in an SACFS group at a supplementary election on account of a casual vacancy holds the position for the balance of the term of his or her predecessor;
  - (f) if a person's successor is not elected by 31 August of an election year, the person may continue to hold his or her position until a successor is elected.

- (19) If—
- (a) a group election fails; or
  - (b) a casual vacancy occurs in a position in a group,
- the representatives of the brigades in the group must hold a supplementary election in accordance with the group's constitution.
- (20) Pending the election of a person to fill a vacant position under subregulation (19)(b) (other than group officer), the group officer may appoint a member of a brigade in the group to the position on an acting basis.
- (21) If the vacant position under subregulation (19)(b) is that of group officer—
- (a) the regional officer may appoint a member of a brigade in the group to the rank of group officer on an acting basis; or
  - (b) if the regional officer has not been successful in making an appointment under paragraph (a) within a period determined by the Chief Officer to be reasonable in the circumstances—the Chief Officer may, after consultation with the brigades in the group, appoint a person holding a position in SACFS outside a brigade in the group to the rank of group officer on an acting basis.
- (22) A person may be re-elected to a position in an SACFS group.
- (23) While a person holds the rank of group officer or deputy group officer, the person will be regarded as being on leave of absence from his or her brigade without loss of continuity of service.

### **19—SACFS group committee**

- (1) Each SACFS group will have an SACFS group committee.
- (2) A committee will consist of—
- (a) the group officer; and
  - (b) the deputy group officer, or deputy group officers; and
  - (c) 1 representative of each brigade in the group; and
  - (d) the group administrative co-ordinator; and
  - (e) 1 or more of the following persons, as determined by the members of the group and approved by the Chief Officer:
    - (i) 1 representative from each council whose area lies wholly or partially within the area of the group;
    - (ii) 1 representative of the administrative unit responsible to the Minister with primary responsibility for the environment, if any property within the area of the group is managed by that administrative unit;
    - (iii) 1 representative of the South Australian Forestry Corporation, if any property within the area of the group is managed by that entity;
    - (iv) 1 representative of SAMFS;
    - (v) any other person who has an interest in the activities of the group and who is considered to be a person who would make a worthwhile contribution to the activities of the committee.

- (3) The functions of a committee will be as set out in the constitution of the SACFS group.
- (4) A member of a committee appointed under subregulation (2)(e) will not have a vote at a meeting of the committee.
- (5) Unless the Chief Officer otherwise determines, the group officer will, if present at a meeting of a committee, preside at that meeting and, in the absence of the group officer (and in the absence of a deputy group officer), a member of the committee chosen by the members present and exercising a vote will preside.
- (6) The prescribed number of members of a committee constitute a quorum of the committee.
- (7) The prescribed number for the purposes of subregulation (6) is a number ascertained by dividing the total number of members of the committee under subregulation (2)(a), (b), (c) and (d) by 2, ignoring a fraction resulting from the division, and adding 1.
- (8) A question for decision at a meeting of a committee will be decided by a majority of the votes cast at the meeting by the members who are present and entitled to vote.
- (9) Each member present at a meeting, other than a member appointed under subregulation (2)(e), is entitled to 1 vote on a question for decision (and if the group officer (or a deputy group officer who has assumed the functions and responsibilities of the group officer), or another person who has been appointed by the Chief Officer to be the presiding member of the committee by virtue of a determination under subregulation (5), is presiding at the meeting, he or she has, in the event of an equality of votes, a second or casting vote but otherwise the person presiding at the meeting does not have a second or casting vote).
- (10) A committee must keep minutes of its proceedings.
- (11) Subject to this regulation, and a direction of the group or the Chief Officer, a meeting of a committee will be conducted in such manner as the committee may determine.

### **Subdivision 3—Accounts, audits and reporting**

#### **20—Accounts and audits**

- (1) Each SACFS organisation that holds any money must open and maintain an operating account at an ADI.
- (2) An SACFS organisation must ensure that proper accounting records are kept of the financial affairs of the organisation.
- (3) An SACFS organisation must, as soon as practicable after the end of each accounting period, cause accounts in respect of that accounting period to be prepared and audited—
  - (a) by a member of CPA Australia; or
  - (b) by a member of the National Institute of Accountants; or
  - (c) by a member of The Institute of Chartered Accountants in Australia; or
  - (d) by a person (not being a member of SACFS) with such other qualifications or experience as the Chief Officer may approve for the purposes of this regulation.

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- (4) A member of SACFS cannot audit the accounts of an SACFS organisation of which he or she is a member.
- (5) A copy of the audited accounts of an SACFS organisation must be presented to the members of the organisation at its annual general meeting.
- (6) A member of an SACFS organisation—
- (a) must, at the request of the auditor for that organisation, produce accounts or other financial records of the organisation in his or her possession for the auditor's inspection;
  - (b) must, at the request of the Chief Officer, produce accounts or other financial records of the organisation in his or her possession for the Chief Officer's inspection.

Maximum penalty: \$2 000.

- (7) A member of an SACFS organisation—
- (a) must, at the request of the auditor for that organisation, provide the auditor with explanations or information that the auditor requires for the purposes of an audit;
  - (b) must, at the request of the Chief Officer, provide the Chief Officer with explanations or information relating to the financial affairs of the organisation.
- (8) The Minister may, on the recommendation of the Chief Officer, exempt an SACFS organisation from—
- (a) a requirement to prepare annual statements of account;
  - (b) a requirement to have annual statements of account audited,

on the ground that the financial activities of the SACFS organisation (if any) do not, in the opinion of the Minister, justify the imposition of the relevant requirement or requirements, or on any other ground determined to be reasonable by the Minister in the circumstances.

- (9) In this regulation—
- accounting period** means—
- (a) subject to any determination under paragraph (b)—a financial year; or
  - (b) any period determined by the Chief Officer to be an accounting period for the purposes of this regulation.

## 21—Annual returns

Each SACFS organisation must, on or before 31 August in each year, deliver to the Chief Officer a return (in a form determined by the Chief Officer) containing—

- (a) the full name, residential address, contact telephone number and date of birth of each member of SACFS who will hold a position in the organisation during the 12 month period commencing on 1 September of that year; and
- (b) a copy of the audited operating accounts of the organisation for such period as the Chief Officer may require (subject to the operation of any exemption granted by the Minister); and

- (c) such other information as the Chief Officer may require.

## **Subdivision 4—Conduct and discipline of members**

### **22—Conduct and discipline of members**

- (1) A member of an SACFS organisation who—
- (a) contravenes or fails to comply with—
    - (i) a provision of the Act or these regulations; or
    - (ii) a provision of a code of conduct for SACFS published by the Chief Officer; or
    - (iii) a direction or order given to the person as a member of SACFS by a person with authority to give that direction or order; or
    - (iv) a provision of the SACFS organisation's constitution; or
  - (b) is negligent or indolent in the discharge of official duties as a member of SACFS; or
  - (c) leaves a place of duty without reasonable excuse; or
  - (d) commits a form of disgraceful or improper conduct in an official capacity; or
  - (e) subverts or disrupts the operations or activities of an SACFS organisation; or
  - (f) makes improper use of his or her SACFS position or rank; or
  - (g) makes improper use of property or equipment; or
  - (h) behaves in any other manner that reflects seriously and adversely on SACFS,
- is liable to disciplinary action.
- (2) If an SACFS officer suspects on reasonable grounds that a member of an SACFS organisation may be liable to disciplinary action, the SACFS officer may prepare a written report in relation to the matter.
- (3) The SACFS officer must inform the member (orally or in writing) of the preparation of a report under subregulation (2).
- (4) If a report is prepared in respect of an SACFS member by an officer who is not the member's commanding officer, the report must be delivered to the commanding officer.
- (5) The commanding officer must (whether he or she has prepared the report under subregulation (2) or received the report under subregulation (4)), send a copy of the report to the Deputy Chief Officer, together with such comments and recommendations as the commanding officer thinks fit.
- (6) The Deputy Chief Officer must, on receipt of a report under this regulation—
- (a) determine whether or not to carry out an investigation in relation to the matter; or
  - (b) determine to refer the matter to a disciplinary panel so that the disciplinary panel may carry out an investigation in relation to the matter.

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- (7) A disciplinary panel will be constituted by the Deputy Chief Officer after taking into account any requirements determined by the Chief Officer.
  - (8) If an investigation is to be carried out, the Deputy Chief Officer or the disciplinary panel (as the case may be) must—
    - (a) give the member written notice of the investigation, setting out the grounds on which the investigation is being conducted; and
    - (b) give the member a reasonable opportunity to appear (either personally or by representative) and to make submissions in relation to the matter.
  - (9) The Chief Officer may, pending the outcome of an investigation, if he or she thinks fit, suspend the member from service with SACFS.
  - (10) The Deputy Chief Officer or disciplinary panel (as the case may be) may, at the completion of an investigation, make a recommendation to the Chief Officer as to whether or not it is considered, on the balance of probabilities, that there are grounds for disciplinary action.
  - (11) If a recommendation is made to the Chief Officer that there are grounds for disciplinary action, the Chief Officer—
    - (a) must give notice in writing of that fact to the member; and
    - (b) may—
      - (i) after observing the requirements of section 70(12) of the Act, determine to take action under section 70(11) of the Act (on reasonable grounds); or
      - (ii) determine not to take action in relation to the matter.
  - (12) However, the Chief Officer must not take action under section 70(11) of the Act until the time for lodging an appeal under subregulation (13) has expired.
  - (13) The member may, within 14 days after notice is given to the member in accordance with subregulation (11), appeal to the Chief Officer against the recommendation of the Deputy Chief Officer or disciplinary panel (as the case may be).
  - (14) For the purposes of section 70(11)(d) of the Act, the following additional disciplinary powers are prescribed:
    - (a) the power to reprimand;
    - (b) the power to suspend a member for a specified period.
  - (15) Nothing in this regulation—
    - (a) prevents the making of preliminary investigations by an officer of SACFS prior to the presentation of a report under this regulation;
    - (b) limits the operation of the principles of natural justice.
  - (16) If the position of the Deputy Chief Officer is vacant, or if the Deputy Chief Officer is absent, another officer determined by the Chief Officer may exercise and perform the powers and functions of the Deputy Chief Officer under this regulation.

## **Subdivision 5—Miscellaneous matters**

### **23—Incident reports**

- (1) When an SACFS organisation attends a fire or other emergency, the commanding officer of that organisation must ensure that the Chief Officer is furnished with a report on the incident and its handling by the SACFS organisation.
- (2) A report under subregulation (1) must—
  - (a) be furnished to the Chief Officer within a period determined by the Chief Officer; and
  - (b) be in a form determined by the Chief Officer; and
  - (c) contain the name of each member of the SACFS organisation who attended the fire or other emergency.

### **24—Absence from SACFS duties**

- (1) A member of an SACFS organisation may apply to his or her commanding officer for leave of absence.
- (2) A commanding officer may grant up to 3 months leave of absence.
- (3) If an applicant requires more than 3 months leave of absence, the application must be forwarded to the Chief Officer, together with a recommendation on the application from the commanding officer.
- (4) The Chief Officer may, on receipt of an application under subregulation (3), grant such leave of absence as the Chief Officer thinks fit.
- (5) In deciding whether or not to grant leave of absence (or to recommend such leave), a commanding officer must take into account the effect (if any) that the granting of the leave would have on the ability of the relevant SACFS organisation to perform its functions under the Act effectively and efficiently.
- (6) If a member of an SACFS organisation, without reasonable excuse, fails to attend 3 or more consecutive monthly meetings of the organisation without leave of absence, the organisation may cancel his or her membership.
- (7) Before taking action under subregulation (6), the SACFS organisation must give the person a reasonable opportunity to make submissions in relation to the proposed course of action.

### **24A—Dissolution of an SACFS organisation—consultation requirements**

- (1) This regulation sets out the requirements envisaged by section 68(8) of the Act.
- (2) The Chief Officer must, before determining to dissolve an SACFS organisation, consult with—
  - (a) the members of the organisation; and
  - (b) the local community; and
  - (c) the Country Fire Service Volunteers Association,in relation to the matter.

- (3) For the purposes of subregulation (2), the Chief Officer must—
- (a) organise a meeting at which the Chief Officer, or a representative or representatives of the Chief Officer, can meet with the members of the organisation (or their representative or representatives); and
  - (b) organise a public meeting within the local community; and
  - (c) invite the Country Fire Service Volunteers Association to—
    - (i) make written submissions to the Chief Officer in relation to the matter; or
    - (ii) have a representative, or representatives, attend a meeting with the Chief Officer or a representative or representatives of the Chief Officer,as the Association sees fit.
- (4) The Chief Officer must give notice of a public meeting under subregulation (3)(b) by publishing notice of the public meeting—
- (a) on a website determined by the Chief Officer; or
  - (b) in a newspaper circulating throughout the local area.
- (5) The Chief Officer must also give notice of a public meeting to any member of the House of Assembly whose electoral district includes any part of the area in relation to which the SACFS organisation is constituted.
- (6) The Chief Officer, or a person appointed by the Chief Officer, must chair a public meeting.
- (7) If—
- (a) a resolution expressing opposition to the dissolution of the SACFS organisation is passed (by majority vote) at a public meeting held under this regulation; but
  - (b) the Chief Officer determines to dissolve the SACFS organisation in any event,
- then the Chief Officer must furnish to the Minister a written report in relation to the matter.
- (8) The Minister must, within 6 sitting days after receiving a report under subregulation (6), have copies of the report laid before both Houses of Parliament.

## **25—Brigades formed by various government agencies**

Except to such extent as the Chief Officer may otherwise determine, this Part may extend to a brigade formed or operated by a government department, or another agency or instrumentality of the Crown, for the purpose of fighting fires in the country.

## Division 3—Fire prevention authorities and plans—country areas and urban bushfire risk areas

### 26—Bushfire Management Area Plans

For the purposes of section 73A(7)(c), the period of 6 weeks is prescribed.

## Division 4—Fire prevention

### Subdivision 1—Preliminary

#### 32—Interpretation

(1) In this Division, unless the contrary intention appears—

*aircraft* does not include model aircraft;

*domestic premises* means a building or other structure that is fixed to the ground and connected to a reticulated or stored water supply and that is occupied as a place of residence but does not include a caravan;

*electric welder* means an electrode that produces an electric arc for the purpose of welding, cutting or heating;

*flammable gas* means liquefied petroleum gas, reticulated gas, compressed natural gas or acetylene;

*foreshore* means the foreshore of the sea along the coastline of the State and includes the area from low water mark to the nearest bush, standing grass or road (as the case may be);

*gas fire* means an appliance that only uses flammable gas as a fuel;

*land holding* means a continuous area of land subject to the same occupation (and for the purposes of this definition, separate parcels of land subject to the same occupation divided by a road or railway will be regarded as being continuous);

*portable water spray* means—

- (a) a knapsack spray pump that—
  - (i) is fully charged; and
  - (ii) complies with Australian Standard 1687-1991: *Knapsack Spray Pumps for Fire Fighting*; or
- (b) a water fire extinguisher that—
  - (i) is fully charged; and
  - (ii) has a tank capacity of at least 9 litres; and
  - (iii) complies with Australian Standard 1841.2-1997: *Portable Fire Extinguishers—Specific Requirements for Water Type Extinguishers*; and
  - (iv) is maintained in accordance with Australian Standard 1851.1-1995: *Maintenance of Fire Protection Equipment—Portable Fire Extinguishers and Fire Blankets*.

- (2) For the purposes of this Division, an engine or vehicle exhaust system complies with this Division if—
- (a) all engine exhaust emitted by the engine or vehicle exits through the system; and
  - (b) the system, or a device or devices forming part of the system, is designed to prevent the escape of burning material from the system; and
  - (c) the system, or a device or devices forming part of the system, is designed to prevent heated parts of the system from coming into contact with flammable material; and
  - (d) the system is in good working order.
- (3) For the purposes of subregulation (2)(a), engine exhaust emitted by a turbocharged engine, or a vehicle fitted with a turbocharged engine, by means of a device of a kind commonly known as a waste gate will be taken to exit through the exhaust system of the engine or vehicle.

## **Subdivision 2—Fires during the fire danger season**

### **32A—Fires permitted under section 79(2) of Act**

- (1) For the purposes of section 79(2) of the Act, a fire may be lighted or maintained in the open air in the following circumstances:
- (a) a fire for cooking or personal comfort may be lighted or maintained provided that—
    - (i) the fire is contained in a properly constructed fire place, a portable cooking appliance or a trench at least 30 cm deep; and
    - (ii) the space immediately around and above the fire is cleared of all flammable material to a distance of at least 4 m; and
    - (iii) the fire does not occupy an area in excess of 1 m<sup>2</sup>; and
    - (iv) a person who is able to control the fire is present at the site of the fire from the time it is lighted to the time it is completely extinguished; and
    - (v) an appropriate agent adequate to extinguish the fire is at hand;
  - (b) a fire for the burning of refuse may be lighted or maintained provided that—
    - (i) the fire is contained within a properly constructed incinerator; and
    - (ii) the space immediately around and above the fire is cleared of all flammable material to a distance of at least 4 m; and
    - (iii) a supply of water adequate to extinguish the fire is at hand; and
    - (iv) a person who is able to control the fire is present at the site of the fire from the time it is lighted to the time it is completely extinguished;
  - (c) a fire for heating bitumen, welding, gas-cutting, soldering or charring may be lighted or maintained provided that—
    - (i) a shield or guard of fire-resistant material is positioned around the fire to prevent the escape of sparks, hot metal or slag; and

- (ii) the space immediately around and above the fire is cleared of all flammable material to a distance of at least 4 m, or wetted sufficiently to prevent the spread of fire; and
  - (iii) a supply of water adequate to extinguish the fire is at hand; and
  - (iv) if any equipment is removed from the fire, the equipment is immediately placed in a fire-proof receptacle; and
  - (v) a person who is able to control the fire is present at the site of the fire from the time it is lighted to the time it is completely extinguished;
- (d) a fire may be lighted and maintained in accordance with the conditions of a permit;
  - (e) a fire may be lighted and maintained if specifically authorised for the purposes of section 79(2) of the Act under another regulation.
- (2) The Chief Officer may, by notice in the Gazette, prohibit or restrict the lighting and maintaining of fires under subregulation (1)(a), (b) or (c) in the whole or a specified part of the State.
  - (3) The Chief Officer may, by further notice in the Gazette, vary or revoke a notice under subregulation (2).
  - (4) The Chief Officer must consult with any council for an area that would be affected by a notice under this regulation before the notice is made.

### 33—Permits

- (1) In this regulation—

*designated area* means an area of the State in relation to which a fire control officer has been appointed under section 103 of the Act;

*relevant land* means land to be burnt off under a permit.
- (2) A permit authorising a person to light or maintain a fire in the open air during the fire danger season (but not contrary to the terms of a total fire ban) will be in the form set out in Schedule 9.
- (3) A permit authorising a person to light or maintain a fire in the open air—
  - (a) contrary to the terms of a total fire ban; or
  - (b) during the fire danger season and contrary to the terms of a total fire ban,will be in the form set out in Schedule 10.
- (4) A permit issued under the Act for burning off land will include the following conditions:
  - (a) that the land immediately around the relevant land must be cleared of all flammable material to a distance of at least 4 metres;
  - (b) that at least 2 persons who are able to control the fire, or such greater number of persons as may be specified in the permit, must be present at the site of the fire from the time it is lighted to the time it is completely extinguished;

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- (c) that the fire must first be lighted from the leeward side of the relevant land to establish a protective break, and then may be lighted from the windward side of the land;
  - (d) that at least 250 litres of water, or such greater amount of water as may be specified in the permit, must be kept at hand to extinguish the fire;
  - (e) a water pump and hoses must be kept at hand in case water must be used to control or extinguish the fire;
  - (f) that the holder of the permit must, not more than 7 days, and not less than 2 hours, before the fire is lighted, give notice of his or her intention to light the fire—
    - (i) to any person who owns, occupies or is in charge of land adjoining the land holding where the relevant land is situated and who resides within 8 kilometres of the relevant land or, if it is not reasonably practicable to give such a notice, to the person in charge of the nearest police station; and
    - (ii) if the relevant land is inside (or partially inside) a council area—to an officer of the council for that area; and
    - (iii) if the relevant land is within 2 kilometres of a government reserve—to the person in charge of the reserve; and
    - (iv) —
      - (A) if the relevant land is within the area of an SACFS brigade—to an officer of that brigade; and
      - (B) if the relevant land is within a designated area—to the fire control officer for that area; and
      - (C) if neither subparagraph (A) nor (B) apply—to the Chief Officer.
- (5) A permit issued under the Act other than for burning off land will include the following conditions:
- (a) that the space immediately around and above the fire must be cleared of all flammable material to a distance of at least 4 metres;
  - (b) that an appropriate agent adequate to extinguish the fire must be kept at hand;
  - (c) that at least 1 person who is able to control the fire, or such greater number of persons as may be specified in the permit, must be present at the site of the fire from the time it is lighted to the time it is completely extinguished;
  - (d) that if the fire is to be lighted within the area of an SACFS brigade, the holder of the permit must, not more than 7 days, and not less than 2 hours, before the fire is lighted, give notice of his or her intention to light the fire to an officer of that brigade.
- (6) A notice under subregulation (4)(f) or (5)(d)—
- (a) may be given—
    - (i) in person; or
    - (ii) in writing; or

- (iii) by telephone or facsimile transmission; or
    - (iv) by email (to a specified electronic address); or
    - (v) by radio; and
  - (b) must include details of the place, date and time at which the fire will be lighted.
- (7) An authorised officer may, at his or her discretion, by endorsement on the permit, exempt the holder of a permit from the requirement to comply with a condition under subregulation (4) or (5).
- (8) An application for a permit may be made—
  - (a) in person; or
  - (b) in writing; or
  - (c) by telephone or facsimile transmission; or
  - (d) by email (to a specified electronic address); or
  - (e) by radio.
- (9) An application for a permit must specify the location of the proposed fire with reasonable particularity and comply with any other requirement determined by the Chief Officer.
- (10) If an authorised officer issues a permit—
  - (a) preliminary notice of the issue of the permit may be given to the permit holder by contacting the permit holder by telephone, facsimile transmission, email or radio and informing him or her of the permit number and the conditions included in the permit (and the permit holder may proceed to act under the permit on the basis of that notification); and
  - (b) the authorised officer must send a copy of the permit to the permit holder at the address shown on the written application form or, if there was no such form, at his or her last known address; and
  - (c) if the permit authorises the permit holder to light or maintain a fire contrary to the terms of a total fire ban, the authorised officer must—
    - (i) give notice of the issue of the permit to—
      - (A) the regional officer in whose region the fire will be lighted; and
      - (B) if the fire will be inside (or partially inside) a council area—an officer of the council for that area; and
      - (C) if the fire will be within the area of an SACFS brigade—an officer of that brigade,(whether personally or by telephone or radio); and
    - (ii) send a copy of the permit to the regional officer and any council to which subparagraph (i) applies.
- (11) A person whose permit is revoked may appeal to the Commission against that revocation.

- (12) An appeal must be instituted by written notice of appeal setting out in detail the grounds of appeal.
- (13) On an appeal, the Commission may—
  - (a) confirm the revocation;
  - (b) direct that a new permit be issued.

### **34—Special provisions relating to gas and electric cooking appliances**

- (1) For the purposes of section 79(2) of the Act, a person may operate a gas fire or electric element for cooking purposes in the open air during the fire danger season, provided that—
  - (a) the space immediately around and above the gas fire or electric element is cleared of all flammable material to a distance of at least 4 metres; and
  - (b) a person who is able to control the gas fire or electric element is present at all times while it is lighted or charged; and
  - (c) an appropriate agent adequate to extinguish a fire is at hand.
- (2) For the purposes of section 80(4)(a) of the Act, a person may operate a gas fire or electric element for cooking purposes in the open air contrary to the terms of a total fire ban, provided that—
  - (a) the gas fire or electric element is used within 15 metres of domestic premises, or on the foreshore; and
  - (b) the space immediately around and above the gas fire or electric element is cleared of all flammable material to a distance of at least 4 metres; and
  - (c) a person who is able to control the gas fire or electric element is present at all times while it is lighted or charged; and
  - (d) an appropriate agent adequate to extinguish a fire is at hand.
- (3) In addition to subregulations (1) and (2)—
  - (a) a council may in relation to a part of its area; and
  - (b) the Chief Officer may in relation to a part of the State outside the area of a council,

by notice in the Gazette declare an area of the State to be an area where a person may, in accordance with the terms of the notice, operate a gas fire or electric element for cooking purposes in the open air contrary to the terms of a total fire ban.

- (4) A notice under subregulation (3)—
  - (a) must be in the form set out in Schedule 11; and
  - (b) may be limited in its operation to particular times of the day, and to particular days of the year; and
  - (c) will operate subject to the following conditions:
    - (i) that the space immediately around and above the gas fire or electric element must be clear of all flammable material to a distance of at least 4 metres;

- (ii) that a person who is able to control the gas fire or electric element must be present at all times while it is lighted or charged;
    - (iii) that an appropriate agent adequate to extinguish a fire must be at hand; and
  - (d) will operate subject to such other conditions (if any) as may be specified by the council or the Chief Officer (as the case may be); and
  - (e) may be varied or revoked by further notice in the Gazette.
- (5) If a council publishes a notice in the Gazette under this regulation, the council must immediately send a copy of the notice to the Chief Officer.

### **35—Fires during fire danger season—orchards and vineyards**

For the purposes of section 79(2) of the Act, a fire may be lighted or maintained in the open air during the fire danger season in an orchard or vineyard for the purpose of smudging for insect pests, or preventing damage by frost, provided that the space immediately around and above the fire is cleared of all flammable material, other than growing fruit trees or vines, to a distance of at least 4 metres.

### **36—Fires in the open air on a total fire ban day**

For the purposes of sections 79(2) and 80(4)(a) of the Act, a fire may be lighted or maintained in the open air during the fire danger season and contrary to the terms of a total fire ban—

- (a) by an aboriginal person, provided that—
  - (i) the fire is lighted on land set aside for aboriginal purposes; and
  - (ii) the fire is used for ordinary domestic purposes within the traditional aboriginal way of life; or
- (b) to charge explosive materials as part of mining operations under or pursuant to the *Mines and Works Inspection Act 1920*, provided that—
  - (i) the space immediately around and above any blast hole is cleared of all flammable material to a distance of at least 4 metres; and
  - (ii) at least 2 shovels or rakes, and at least 2 portable water sprays in good working order, are at hand; and
  - (iii) a sufficient number of persons who would be able to control the escape and spread of fire are present at all times during the mining operations involving the use of those explosive materials; or
- (c) to light a flare containing flammable material in connection with a mercy flight or in a situation where an aircraft cannot use an electrically lit runway, provided that—
  - (i) each flare is in a metal tray that is large enough to hold all the flammable material; and
  - (ii) the space immediately around the flare is cleared of all flammable material to a distance of at least 4 metres; and
  - (iii) fire-fighting equipment adequate to extinguish the flare and control the escape and spread of fire is at hand; and

- (iv) a sufficient number of persons to control the escape and spread of fire are present at the site of the flares from the time they are lighted to the time they are completely extinguished; or
- (d) by a member of SACFS or another recognised emergency service if the fire is connected with the use of equipment required in an emergency to protect life or property, provided that such steps as are reasonably practicable in the circumstances are taken to control the escape and spread of fire.

### **Subdivision 3—Restrictions on the use of certain appliances etc**

#### **37—Stationary engines**

- (1) In this regulation—

*stationary engine* means a steam engine, an internal combustion engine or a turbine engine that is operated in a stationary position.
- (2) Pursuant to section 89 of the Act, a stationary engine is prescribed.
- (3) A person must not, during the fire danger season, operate a stationary engine not enclosed by non-flammable material in the open air unless—
  - (a) the space immediately around and above the engine is cleared of all flammable material to a distance of at least 4 metres, or a person who is able to control the engine is present at all times while the engine is in use; and
  - (b) a shovel or rake, and a portable water spray in good working order, are at hand; and
  - (c) the engine is fitted with an exhaust system that complies with this Division.
- (4) A person must not, during the fire danger season, operate a stationary engine enclosed by non-flammable material in the open air unless the engine is fitted with an exhaust system that complies with this Division.

#### **38—Internal combustion engines**

- (1) Pursuant to section 89 of the Act, an internal combustion engine is prescribed.
- (2) A person must not, during the fire danger season, operate an internal combustion engine in connection with—
  - (a) harvesting a flammable crop; or
  - (b) moving a flammable crop on the land holding where it has been harvested; or
  - (c) spreading lime or fertiliser,unless—
  - (d) a shovel or rake, and a portable water spray in good working order, are at hand; and
  - (e) the engine is fitted with an exhaust system that complies with this Division.

- (3) A person must not, during the fire danger season, operate an internal combustion engine, other than in connection with an activity referred to in subregulation (2), in circumstances where the internal combustion engine comes into contact with, or is operated in the vicinity of, any flammable bush, grass, pasture or stubble, unless—
- (a) in a case where a person is not present at all times while the internal combustion engine is in operation—
    - (i) the land immediately around the place where the relevant activity is to be undertaken is cleared of all flammable material to a distance of at least 4 metres; and
    - (ii) the engine is fitted with an exhaust system that complies with this Division; or
  - (b) in a case where a person is present at all times while the internal combustion engine is in operation—
    - (i) —
      - (A) the land immediately around the place where the relevant activity is cleared of all flammable material to a distance of at least 4 metres; or
      - (B) a shovel or rake, and a portable water spray in good working order, are at hand; and
    - (ii) the engine is fitted with an exhaust system that complies with this Division.

### **39—Vehicles**

- (1) Pursuant to section 89 of the Act, a vehicle driven by an internal combustion engine (other than an aircraft) is prescribed.
- (2) A person must not, during the fire danger season, drive a vehicle referred to in subregulation (1) within 2 metres of flammable bush or grass unless the vehicle is fitted with an exhaust system that complies with this Division.

### **40—Aircraft**

- (1) Pursuant to section 89 of the Act, an aircraft is prescribed.
- (2) A person must not, during the fire danger season, land an aircraft on, or take off from, land in the country unless reasonable steps have been taken (on account of the use of the land by the aircraft)—
  - (a) to prevent the outbreak of fire on the land; and
  - (b) to be able to control and suppress a fire that might break out on the land (whether by the provision of fire-fighting equipment, the clearing of a firebreak, or otherwise).
- (3) This regulation does not apply in relation to—
  - (a) an aircraft that is landing on, or taking off from, a government or licensed airfield; or
  - (b) an aircraft that is on a mercy flight; or
  - (c) an aircraft that is landing or taking off in any other emergency; or

- (d) an aircraft that is engaged in a fire-fighting operation under the direction of an SACFS officer; or
- (e) an aircraft that is exempted from the operation of this regulation by the Chief Officer.

#### **41—Welders and other tools**

- (1) Pursuant to section 89 of the Act, the following appliances are prescribed:
  - (a) an electric welder;
  - (b) a mechanical cutting tool;
  - (c) a gas appliance;
  - (d) an angle grinder or other mechanical grinding tool.
- (2) A person must not, during the fire danger season, operate an appliance referred to in subregulation (1) in the open air unless—
  - (a) the space immediately around and above the appliance is cleared of all flammable material to a distance of at least 4 metres; and
  - (b) a portable water spray in good working order is at hand; and
  - (c) a person who is able to control the appliance is present at all times while the appliance is in use or alight.
- (3) This regulation does not permit the use of an appliance contrary to the terms of a total fire ban.
- (4) This regulation does not apply to a member of SACFS or another recognised emergency service who must use an appliance in an emergency to protect life or property.
- (5) Despite subregulations (1) and (2), a person must not operate an appliance referred to in subregulation (1) in the open air for any purpose on a day in relation to which a total fire ban under section 80 of the Act has been imposed in any part of the State to which the total fire ban applies.

#### **42—Bees**

- (1) Pursuant to section 89 of the Act, an appliance used to generate smoke for the manipulation of bees is prescribed.
- (2) A person must not, during the fire danger season, use an appliance referred to in subregulation (1) unless a portable water spray in good working order is at hand.

#### **43—Rabbit fumigators**

- (1) Pursuant to section 89 of the Act, an appliance used as a rabbit fumigator is prescribed.
- (2) A person must not, during the fire danger season, use an appliance as a rabbit fumigator unless—
  - (a) the space immediately around and above the appliance is cleared of all flammable material to a distance of at least 4 metres; and
  - (b) a portable water spray in good working order is at hand; and

- (c) a sufficient number of persons who would be able to control the escape and spread of fire are present at all times while the appliance is in use.

#### **44—Bird scarers**

- (1) In this regulation—

*bird scarer* means a device that detonates a flammable gas to create a noise to scare birds.

- (2) Pursuant to section 89 of the Act, a bird scarer is prescribed.
- (3) A person must not, during the fire danger season, use an appliance as a bird scarer unless—
  - (a) the space immediately around and above the appliance is cleared of all flammable material to a distance of at least 4 metres; and
  - (b) the bird scarer—
    - (i) is constructed so as to prevent the escape of fire or burning material; and
    - (ii) is in good working order and clean so as to avoid a malfunction that could cause a fire; and
  - (c) the person using the bird scarer takes all reasonable precautions to ensure that the bird scarer cannot fall over, or be knocked over or otherwise interfered with by animals.

#### **45—Fireworks**

- (1) Pursuant to section 89 of the Act, fireworks are prescribed.
- (2) A person must not, during the fire danger season, use fireworks in the open air except in accordance with a permit issued under section 81 of the Act.

#### **46—Blasting**

- (1) Pursuant to section 89 of the Act, blasting any tree, wood or timber by the use of explosive materials is prescribed.
- (2) A person must not, during the fire danger season, carry out blasting referred to in subregulation (1) unless—
  - (a) a shovel or rake, and a portable water spray in good working order, are at hand; and
  - (b) a sufficient number of persons who would be able to control a fire are present at all times while the blasting is carried out, and for a reasonable time after the blasting is completed.

#### **Subdivision 4—Burning objects and material**

##### **47—Burning objects and material**

- (1) A person must not smoke in the open air in the country within 2 m of flammable bush or grass (but this prohibition does not operate within a municipality or township).  
Maximum penalty: \$1 250.

- (2) A person must not, without lawful excuse, drop or throw a burning object or material from a vehicle.  
Maximum penalty: \$5 000.
- (3) A person must not, without lawful excuse, drop or throw a burning object or material in circumstances in which it may come into contact with flammable material and cause a fire in the country.  
Maximum penalty: \$5 000.
- (4) A person must not, without lawful excuse, drop or throw any material capable of causing a fire in circumstances in which it may cause a fire in the country.  
Maximum penalty: \$5 000.

## **Subdivision 6—Miscellaneous**

### **50—Fire safety at premises**

Pursuant to section 86 of the Act, a building outside the area of a council that would, if it were inside the area of a council, be classified as a Class 2, 3, 4, 5, 6, 7, 8 or 9 building under the *Building Code* (within the meaning of the *Development Act 1993*), is prescribed.

### **51—Caravans**

- (1) A person must not use a caravan in the country unless an efficient fire extinguisher that complies with subregulation (2) is carried in the caravan.
- (2) A fire extinguisher required under subregulation (1) must—
  - (a) comply with Australian Standard 1841.5-1997: *Portable Fire Extinguishers—Specific Requirements for Powder Type Extinguishers*; and
  - (b) have a minimum classification and rating of 10B, as defined by Australian Standard 1850-1997: *Portable Fire Extinguishers—Classification, Rating and Performance Testing*; and
  - (c) be maintained in accordance with Australian Standard 1851.1-1995: *Maintenance of Fire Protection Equipment—Portable Fire Extinguishers and Fire Blankets*.

## **Division 5—Other matters**

### **52—Identity cards**

- (1) The Chief Officer will issue to each—
  - (a) SACFS officer; and
  - (b) fire control officer; and
  - (c) authorised officer appointed by the Chief Officer,a certificate of identity in a form determined by the Chief Officer.
- (2) A council will issue to each fire prevention officer or assistant fire prevention officer appointed by the council a certificate of identity in a form approved by the Chief Officer.

- (3) A certificate of identity ceases to be valid when the person ceases to hold the position in relation to which the certificate was issued.
- (4) A person must, on ceasing to hold the position in relation to which a certificate of identity has been issued, surrender the certificate to the Chief Officer or, in the case of a fire prevention officer or assistant fire prevention officer, to the relevant council.  
Maximum penalty: \$1 250.

### 53—Flags and other forms of identification

- (1) The Chief Officer will determine the flags and other forms of identification that are to be used during fire-fighting activity in the country.
- (2) A person must not display a flag or other material in a manner that contravenes a determination of the Chief Officer under subregulation (1).  
Maximum penalty: \$1 250.

### 54—Roadside fire protection

- (1) In this regulation—  
*responsible authority* means a council, or a Minister, agency or instrumentality of the Crown, that has the care, control or management of a road in the country, or roadside vegetation in the country.
- (2) Subject to subregulation (3), a responsible authority may, for the purpose of providing fire protection on a road, or the verge of a road—
  - (a) light a fire on the road, or on the verge of the road; and
  - (b) while the fire is burning, prohibit, direct or regulate the movement of persons, vehicles or animals along the road.
- (3) A responsible authority must obtain a permit to light and maintain a fire under this regulation during the fire danger season.

### 55—Maintenance and inspection of fire-fighting equipment

Each SACFS organisation that has possession or control of fire-fighting equipment that is available for use by SACFS under the Act—

- (a) must maintain the equipment in good working order and test the equipment on a regular basis; and
- (b) must keep the equipment in a place, and in a manner, that allows the equipment to be readily available in the event of a fire or other emergency, or for training purposes; and
- (c) must, on the request of the Chief Officer, a Deputy Chief Officer or Assistant Chief Officer, a regional officer, or an authorised officer, make the equipment available for inspection by the officer.

### 56—Special fire areas

- (1) The Chief Officer may, by notice in the Gazette, establish a *special fire area* in relation to a part of the State if, in the opinion of the Chief Officer—
  - (a) there exists an extreme risk of fire; or

- (b) SACFS capabilities may be limited because an SACFS organisation has not been constituted in relation to the area (or a part of the area), or for any other reason; or
  - (c) some other special situation exists that warrants the establishment of a special fire area.
- (2) The Chief Officer may not include the area (or part of the area) of a council within a special fire area without first consulting the council.
- (3) If the Chief Officer establishes a special fire area, the Chief Officer will constitute a committee of management to manage fire prevention and suppression planning in the area.
- (4) A committee of management will (according to the determination of the Chief Officer) consist of—
  - (a) 1 or more representatives of SACFS; and
  - (b) 1 or more representatives of a council whose area lies wholly or partially within the special fire area; and
  - (c) if there is a reserve (or part of a reserve) administered under the *National Parks and Wildlife Act 1972* within the special fire area—1 or more officers of the National Parks and Wildlife Service nominated by the Minister responsible for the administration of the *National Parks and Wildlife Act 1972*; and
  - (d) if there is a forest reserve (or part of a forest reserve) within the special fire area—1 or more nominees of the South Australian Forestry Corporation; and
  - (e) if there is a water reserve (or part of a water reserve) held by SA Water for the purposes of the *Waterworks Act 1932* within the special fire area—1 or more nominees of the Minister responsible for the administration of the *Waterworks Act 1932*; and
  - (f) 1 or more representatives of any other organisation or agency that, in the opinion of the Chief Officer, has a special interest in fire prevention and suppression in the area; and
  - (g) such other persons as the Chief Officer thinks fit.
- (5) The Chief Officer may, by further notice in the Gazette, vary or dissolve a special fire area established under this regulation.

## **Part 3A—Fire prevention**

### **56A—Duties to prevent fires**

- (1) For the purposes of section 105F(5) of the Act, the form set out in Schedule 12 is prescribed.
- (2) For the purposes of section 105F(10) of the Act, the form set out in Schedule 13 is prescribed.

### **56B—Applications for warrants**

- (1) The grounds for an application for a warrant under section 105J of the Act made personally must be verified by affidavit.

- (2) If an application for a warrant is made under section 105J of the Act by telephone—
  - (a) the applicant must inform the magistrate of the applicant's name and identify the position that he or she holds for the purposes of the Act, and the magistrate, on receiving that information, is entitled to assume, without further inquiry, that the applicant holds that position; and
  - (b) the applicant must inform the magistrate of the purpose for which the warrant is required and the grounds on which it is sought; and
  - (c) if it appears to the magistrate from the information given by the applicant that there are reasonable grounds to issue a warrant (taking into account the requirements of the Act), the magistrate must inform the applicant of the facts that justify, in the magistrate's opinion, the issue of the warrant, and must not proceed to issue the warrant unless the applicant undertakes to make an affidavit verifying those facts; and
  - (d) if the applicant gives such an undertaking, the magistrate may then make out and sign a warrant, noting on the warrant the facts that justify, in the magistrate's opinion, the issue of the warrant; and
  - (e) the warrant is taken to have been issued, and comes into force, when signed by the magistrate; and
  - (f) the magistrate must inform the applicant of the terms of the warrant; and
  - (g) the applicant must, as soon as practicable after the issue of the warrant, forward to the magistrate an affidavit verifying the facts referred to in paragraph (c).
- (3) A magistrate by whom a warrant is issued must file the warrant, or a copy of the warrant, and the affidavit verifying the grounds on which the application for the warrant was made, in the Magistrates Court.

### **56C—Prescribed rate of interest**

- (1) For the purposes of section 105J(9) of the Act, the prescribed rate of interest will be the designated rate applying at the time at which the period fixed by the Minister under subsection (9)(b)(i) of that section expires.
- (2) For the purposes of this regulation, the designated rate will be the fixed-rate unsecured personal loan rate fixed by the National Australia Bank Limited as at the commencement of the financial year during which the period referred to in subregulation (1) expires (or, if there is more than 1 such rate, the average of all such rates to 2 decimal places).

## **Part 4—SASES**

### **Division 1—SASES units—Constitution and membership**

#### **57—Registration of an SASES unit**

- (1) An application for registration as an SASES unit must—
  - (a) be made in the form of Schedule 14; and
  - (b) contain the information specified in the form; and

- (c) list the full name, residential address and date of birth of each person who is applying to be a foundation member of the SASES unit.
- (2) If the Chief Officer establishes an SASES unit, the Chief Officer must furnish the unit with a certificate in the form of Schedule 15.

### **58—List of members**

An SASES unit must—

- (a) maintain a list of the names of its members with each member's residential address, date of birth, certificate of identity number and date of joining the unit; and
- (b) forward to the Chief Officer details of any change to the list.

## **Division 2—Unit managers**

### **59—Unit managers**

- (1) Each SASES unit will have a unit manager.
- (2) A unit manager will be appointed or elected in a manner determined or approved by the Chief Officer.
- (3) A member of an SASES unit (other than the unit manager) is, in the exercise of powers under the Act, subject to the control and direction of the unit manager of the unit.

## **Division 3—Accounts, audits and reporting**

### **60—Accounts and audits**

- (1) Each SASES unit that holds any money must open and maintain an operating account at an ADI.
- (2) An SASES unit must ensure that proper accounting records are kept of the financial affairs of the SASES unit.
- (3) An SASES unit must, as soon as practicable after the end of each accounting period, cause accounts in respect of that accounting period to be prepared and audited—
  - (a) by a member of CPA Australia; or
  - (b) by a member of the National Institute of Accountants; or
  - (c) by a member of The Institute of Chartered Accountants in Australia; or
  - (d) by a person (not being a member of SASES) with such other qualifications or experience as the Chief Officer may approve for the purposes of this regulation.
- (4) A member of SASES cannot audit the accounts of an SASES unit of which he or she is a member.
- (5) A copy of the audited accounts of an SASES unit must be presented to the members of the SASES unit at its annual general meeting.

- (6) A member of an SASES unit—
- (a) must, at the request of the auditor for that SASES unit, produce accounts or other financial records of the SASES unit in his or her possession for the auditor's inspection;
  - (b) must, at the request of the Chief Officer, produce accounts or other financial records of the SASES unit in his or her possession for the Chief Officer's inspection.

Maximum penalty: \$2 000.

- (7) A member of an SASES unit—
- (a) must, at the request of the auditor for that SASES unit, provide the auditor with explanations or information that the auditor requires for the purposes of an audit;
  - (b) must, at the request of the Chief Officer, provide the Chief Officer with explanations or information relating to the financial affairs of the SASES unit.
- (8) The Minister may, on the recommendation of the Chief Officer, exempt an SASES unit from—
- (a) a requirement to prepare annual statements of account;
  - (b) a requirement to have annual statements of account audited,

on the ground that the financial activities of the SASES unit (if any) do not, in the opinion of the Minister, justify the imposition of the relevant requirement or requirements, or on any other ground determined to be reasonable by the Minister in the circumstances.

- (9) In this regulation—

*accounting period* means—

- (a) subject to any determination under paragraph (b)—a financial year; or
- (b) any period determined by the Chief Officer to be an accounting period for the purposes of this regulation.

## 61—Annual returns

Each SASES unit must, on or before 31 August in each year, deliver to the Chief Officer a return (in a form determined by the Chief Officer) containing—

- (a) the full name, residential address, contact telephone number and date of birth of each member of SASES who will hold a position in the SASES unit during the 12 month period commencing on 1 September of that year; and
- (b) a copy of the audited operating accounts of the SASES unit for such period as the Chief Officer may require (subject to the operation of any exemption granted by the Minister); and
- (c) such other information as the Chief Officer may require.

## Division 4—Discipline of members

### 62—Discipline of members

- (1) A member of an SASES unit who—
  - (a) contravenes or fails to comply with—
    - (i) a provision of the Act or these regulations; or
    - (ii) a provision of a code of conduct for SASES published by the Chief Officer; or
    - (iii) a direction or order given to the person as a member of SASES by a person with authority to give that direction or order; or
    - (iv) a provision of the SASES unit's constitution; or
  - (b) is negligent or indolent in the discharge of official duties as a member of SASES; or
  - (c) leaves a place of duty without reasonable excuse; or
  - (d) commits a form of disgraceful or improper conduct in an official capacity; or
  - (e) subverts or disrupts the operations or activities of an SASES unit; or
  - (f) makes improper use of his or her SASES membership; or
  - (g) makes improper use of property or equipment; or
  - (h) behaves in any other manner that reflects seriously and adversely on SASES,

is liable to disciplinary action.
- (2) If an SASES member suspects on reasonable grounds that another SASES member may be liable to disciplinary action, the SASES member may report the matter (orally or in writing) to his or her commanding officer.
- (3) The commanding officer will be determined according to a command structure established by the Chief Officer.
- (4) The commanding officer must, on receiving a report under subregulation (2)—
  - (a) —
    - (i) if the commanding officer has received a written report—send a copy of the report to the Deputy Chief Officer, together with such comments as the commanding officer thinks fit;
    - (ii) if the commanding officer has received an oral report—prepare a report on the matter (incorporating such comments as the commanding officer thinks fit), and then send a copy of the report to the Deputy Chief Officer; and
  - (b) inform the relevant member (orally or in writing) of the presentation or preparation of the relevant report.
- (5) The commanding officer may decline to act under subregulation (4) if he or she considers that the report that has been made to him or her is trivial, vexatious or misconceived.

- (6) The Deputy Chief Officer must, on receipt of a report under this regulation—
  - (a) determine whether or not to carry out an investigation in relation to the matter; or
  - (b) determine to refer the matter to a disciplinary panel so that the disciplinary panel may carry out an investigation in relation to the matter.
- (7) A disciplinary panel will be constituted by the Deputy Chief Officer after taking into account any requirements determined by the Chief Officer.
- (8) If an investigation is to be carried out, the Deputy Chief Officer or the disciplinary panel (as the case requires) must—
  - (a) give the relevant member written notice of the investigation, setting out the grounds on which the investigation is being conducted; and
  - (b) give the relevant member a reasonable opportunity to appear (personally or by representative) and to make submissions in relation to the matter.
- (9) The Chief Officer may, pending the outcome of any process under this regulation, if he or she thinks fit, suspend the member from service with SASES.
- (10) The Deputy Chief Officer or disciplinary panel (as the case may be) may, at the completion of an investigation, make a recommendation to the Chief Officer as to whether or not it is considered, on the balance of probabilities, that there are grounds for disciplinary action.
- (11) If a recommendation is made to the Chief Officer that there are grounds for disciplinary action, the Chief Officer—
  - (a) must give notice in writing of that fact to the member; and
  - (b) may—
    - (i) determine not to take any action in relation to the matter; or
    - (ii) determine to take disciplinary action.
- (12) However, the Chief Officer must not take disciplinary action until the time for lodging an appeal under subregulation (13) has expired.
- (13) The member may, within 14 days after notice is given to the member in accordance with subregulation (11), appeal to the Chief Officer against the recommendation of the Deputy Chief Officer or disciplinary panel (as the case may be).
- (14) The Chief Officer may, on the basis of a determination under subregulation (11)(b)(ii)—
  - (a) reprimand the member;
  - (b) suspend the member for a specified period;
  - (c) demote the member;
  - (d) disqualify the member from holding a rank in SASES;
  - (e) disqualify the person from membership of SASES.
- (15) Nothing in this regulation—
  - (a) prevents the making of preliminary investigations by a commanding officer prior to the presentation of a report under this regulation;

- (b) limits the operation of the principles of natural justice.
- (16) If the position of Deputy Chief Officer is vacant, or if the Deputy Chief Officer is absent, another officer determined by the Chief Officer may exercise and perform the powers and functions of the Deputy Chief Officer under this regulation.

## **Division 5—Miscellaneous**

### **63—Identity cards**

- (1) The Chief Officer will issue to each—
- (a) officer of SASES; and
  - (b) member of an SASES unit,
- a certificate of identity in a form determined by the Chief Officer.
- (2) A certificate of identity ceases to be valid when the person ceases to hold the position in relation to which the certificate was issued.
- (3) A person must, on ceasing to hold the position in relation to which a certificate of identity has been issued, surrender the certificate to the Chief Officer.  
Maximum penalty: \$1 250.
- (4) A person must, on ceasing to be a member of an SASES unit, surrender all insignia, equipment or clothing issued to him or her by the unit to the unit manager.  
Maximum penalty: \$1 250.

### **64—Dissolution of organisation (section 116)**

- (1) For the purposes of section 116(2)(c) of the Act, a request to dissolve an organisation must be made in writing under the common seal of the organisation.
- (2) The Chief Officer must, before determining to dissolve an SASES unit, consult with—
- (a) the members of the unit; and
  - (b) the local community; and
  - (c) S.A.S.E.S. Volunteers' Association Incorporated,
- in relation to the matter.
- (3) For the purposes of subregulation (2), the Chief Officer must—
- (a) organise a meeting at which the Chief Officer, or a representative or representatives of the Chief Officer, can meet with the members of the unit (or their representative or representatives); and
  - (b) organise a public meeting within the local community; and
  - (c) invite S.A.S.E.S. Volunteers' Association Incorporated to—
    - (i) make written submissions to the Chief Officer in relation to the matter; or
    - (ii) have a representative, or representatives, attend a meeting with the Chief Officer or a representative or representatives of the Chief Officer,

as the Association sees fit.

- (4) The Chief Officer must give notice of a public meeting under subregulation (3)(b) by publishing notice of the public meeting—
  - (a) on a website determined by the Chief Officer; or
  - (b) in a newspaper circulating throughout the local area.
- (5) The Chief Officer must also give notice of a public meeting to any member of the House of Assembly whose electoral district includes any part of the area in relation to which the SASES unit is constituted.
- (6) The Chief Officer, or a person appointed by the Chief Officer, must chair a public meeting.
- (7) If—
  - (a) a resolution expressing opposition to the dissolution of the SASES unit is passed (by majority vote) at a public meeting held under this section; but
  - (b) the Chief Officer determines to dissolve the SASES unit in any event,then the Chief Officer must furnish to the Minister a written report in relation to the matter.
- (8) The Minister must, within 6 sitting days after receiving a report under subregulation (7), have copies of the report laid before both Houses of Parliament.

## Part 5—Miscellaneous

### 65—Coronial inquests

A coronial inquest may be requested by the Commission or an emergency services organisation if the Commission or organisation (as the case may be) is of the opinion that such an inquest should be held—

- (a) on account of—
  - (i) the circumstances surrounding the lighting or spread of a fire, or the occurrence of an emergency of another kind; or
  - (ii) the intensity or seriousness of a fire, or the seriousness of an emergency of another kind; or
  - (iii) the circumstances surrounding the involvement of a person or organisation in a fire or other emergency; or
- (b) on account of representations made by a council in relation to a fire or other emergency.

### 66—Prescribed water authority

SA Water is brought within the definition of *water authority* under sections 43 and 98 of the Act.

## 67—Use of water

- (1) An officer of SAMFS or SACFS may, for the purpose of any operation conducted by his or her emergency services organisation, take water from a hydrant, fire-plug or stand pipe approved by SA Water for fire-fighting purposes.
- (2) For training purposes, water may only be taken under subregulation (1) as directed by a responsible officer of SA Water.
- (3) An emergency services organisation is not liable for the cost of water taken under this regulation.
- (4) This regulation does not apply in relation to the operation of section 42 or 97 of the Act.

## 68—Insignia

- (1) In this regulation—  
*prescribed insignia* means—
  - (a) any logo declared by the Commission to be a logo for the purposes of section 131 of the Act; and
  - (b) the emblems set out in Schedule 16 (in any colour or combinations of colours).
- (2) A person must not, without the consent of the Commission (which consent may be given unconditionally or subject to conditions determined by the Commission)—
  - (a) use or display any prescribed insignia;
  - (b) sell, hire, lend or otherwise surrender possession of a prescribed logo to a person who is not a member of the relevant emergency services organisation or, if relevant, who is not otherwise a person authorised to act in an official capacity under the Act or these regulations.

Maximum penalty: \$2 500.

## 69—Service insignia

- (1) In this regulation—  
*prescribed person* means—
  - (a) a member of an emergency services organisation; or
  - (b) a fire control officer.
- (2) A prescribed person is, in recognition of his or her service with an emergency services organisation, or any other organisation recognised by the Commission for the purposes of this regulation, entitled to wear, on the left sleeve of his or her uniform or fire-fighting or emergency services clothing, service insignia determined or approved by the Commission.

## 70—Fees

- (2) Fees prescribed for the purposes of the Act do not include any GST that may be payable in respect of a particular fee.
- (3) The relevant emergency services organisation may, in its discretion, waive payment of the whole or a part of a prescribed fee, or refund a prescribed fee (in whole or in part).

## 71—Expiation of offences

- (1) Pursuant to Schedule 5 clause 14 of the Act, the following expiation fees are fixed for alleged offences against the following sections of the Act:

<b>Section</b>	<b>Expiation fee</b>
Section 79(1) if—	\$315
(a) the offence falls within the ambit of 1 of the following subparagraphs:	
(i) if the fire is for cooking or personal comfort—the offence consists of a failure to comply with a requirement imposed under regulation 32A(1)(a);	
(ii) if the fire is for the burning of refuse—the offence consists of a failure to comply with a requirement imposed under regulation 32A(1)(b);	
(iii) if the fire is for heating bitumen, welding, gas-cutting, soldering, grinding or charring—the offence consists of a failure to comply with a requirement imposed under regulation 32A(1)(c);	
(iv) if the fire is lighted or maintained pursuant to a permit issued under section 81 of the Act for burning off land—the offence consists of a failure to comply with a condition of the permit prescribed by regulation 33(4)(a), (b), (d) or (e);	
(v) if the fire is lighted or maintained pursuant to a permit issued under section 81 of the Act other than for burning off land—the offence consists of a failure to comply with a condition of the permit prescribed by regulation 33(5)(a), (b) or (c);	
(vi) if the fire is lighted or maintained for a gas fire or electric element for cooking purposes under subregulation (1) of regulation 34—the offence consists of a failure to comply with a requirement imposed under that subregulation; and	
(b) the fire does not contravene a prohibition or restriction under regulation 32A(2).	
Section 89 if the offence consists of a breach of, or failure to comply with, 1 or more of the following:	\$315
(a) in the case of an offence involving the operation, during the fire danger season, of a stationary engine not enclosed by non-flammable material in the open air—regulation 37(3)(a) or (b);	
(b) in the case of an offence involving the operation, during the fire danger season, of an internal combustion engine in connection with harvesting a flammable crop, moving a flammable crop on the land holding where it has been harvested or spreading lime or fertilizer—regulation 38(2)(d);	
(c) in the case of an offence involving the operation, during the fire danger season, of an internal combustion engine in connection with cutting flammable bush, grass, pasture or stubble—regulation 38(3)(a)(i) or (b)(i);	

Section	Expiation fee
(d) in the case of an offence involving the operation, during the fire danger season, of an electric welder, a mechanical cutting tool, a gas appliance, an angle grinder or a mechanical grinding tool—regulation 41(2)(a) or (b);	
(e) in the case of an offence involving the use, during the fire danger season, of an appliance to generate smoke for the manipulation of bees—regulation 42(2);	
(f) in the case of an offence involving the use, during the fire danger season, of an appliance as a rabbit fumigator—regulation 43(2)(a) or (b);	
(g) in the case of an offence involving the use, during the fire danger season, of an appliance as a bird scarer—regulation 44(3)(a);	
(h) in the case of an offence involving the blasting of any tree, wood or timber by the use of explosive materials—regulation 46(2)(a).	

Section 105F(1) \$315

Section 105F(8) \$315

- (2) Pursuant to Schedule 5, clause 14 of the Act, the following expiation fees are fixed for alleged offences against the following regulations:

Regulation	Expiation fee
Regulation 47(1)	\$315
Regulation 47(2), (3) or (4)	\$500
Regulation 51	\$315

## 72—Prescribed persons

For the purposes of section 148(3)(c) of the Act, each Chief Officer is a prescribed person.

## 73—Transitional provisions—2009 Amendment Act

- (1) In this regulation—

*commencement day* means the day on which the 2009 Amendment Act comes into operation;

*principal Act* means the *Fire and Emergency Services Act 2005*;

*2009 Amendment Act* means the *Fire and Emergency Services (Review) Amendment Act 2009*.

- (2) To avoid doubt, a person holding an appointment as a fire prevention officer under the principal Act immediately before the commencement day will continue as a fire prevention officer on and after that day and will be taken to have qualifications and experience appropriate to the office of fire prevention officer as envisaged by section 105B of the principal Act.
- (3) A regional bushfire prevention committee in existence immediately before the commencement day will continue to be constituted until the Governor divides the State into bushfire management areas under section 72 of the principal Act (as enacted by the 2009 Amendment Act), and will then lapse.

- (4) While a regional bushfire prevention committee continues in existence under subregulation (3)—
- (a) the Chief Officer of SACFS may continue to fill casual vacancies in the membership of the committee;
  - (b) Schedule 4 of the principal Act, as in existence immediately before the commencement day, will be taken to continue to apply to and in relation to the committee; and
  - (c) the committee may, in relation to its region, perform or exercise any function or power vested in a bushfire management committee under the principal Act as amended by the 2009 Amendment Act.

## Schedule 1—Certificate of registration of an SACFS brigade

THIS is to certify that *[name of brigade]* is constituted as an SACFS brigade under the *Fire and Emergency Services Act 2005*.

The registered code of the brigade as an SACFS organisation is .....

Dated the ..... day of ..... 20 .....

*Seal of the SACFS*

.....  
*Signature of Chief Officer*

## Schedule 3—Officers of an SACFS brigade

### 1—Brigade captain

A brigade captain has the following specific functions:

- (a) to ensure that the brigade prepares and maintains an incident response plan;
- (b) to assist in bushfire prevention planning within the area of the brigade;
- (c) to undertake responsibility for the proper management and maintenance of brigade property and equipment;
- (d) to ensure that members of the brigade are properly trained to carry out their functions;
- (e) subject to the Act and the direction of a superior officer—to take command at a fire or other emergency in the country at which he or she attends as a member of SACFS and to ensure that the chain of command within the brigade operates effectively and efficiently;
- (f) to liaise with other brigade captains in adjacent areas, and other relevant officers;
- (g) to ensure (so far as may be practicable) the health and safety of all members of the brigade during an SACFS operation and to ensure that the brigade complies with any other relevant occupational health, safety and welfare policies or procedures;

- (h) otherwise to manage the operations of the brigade in accordance with a determination of the Chief Officer.

## **2—Lieutenant**

A lieutenant must assist the brigade captain in the performance of his or her functions (and, in the absence of the brigade captain, the most senior lieutenant may assume the functions and responsibilities of the brigade captain).

## **3—Senior fire-fighter**

A senior fire-fighter must assist the brigade captain in the performance of his or her functions (and in the absence of the brigade captain and lieutenants, the most senior officer may assume the functions and responsibilities of the brigade captain).

# **Schedule 4—Functions of other SACFS brigade officers**

## **1—Communications co-ordinator**

A communications co-ordinator has the following specific functions:

- (a) to ensure that the brigade's communications system operates effectively and fits into any group communications network;
- (b) to control the use of communications equipment by members of the brigade;
- (c) to undertake responsibility for the maintenance of communications equipment and, if necessary, for its repair or replacement;
- (d) to test the brigade's communications equipment on a regular basis;
- (e) to assist in training members of the brigade in the use of communications equipment;
- (f) if the brigade is a member of an SACFS group—to represent the brigade on any Group Communications Committee formed by the group;
- (g) to liaise with communications co-ordinators in other SACFS brigades;
- (h) to undertake other functions assigned by the brigade captain or determined by the Chief Officer.

## **2—Training co-ordinator**

A training co-ordinator has the following specific functions:

- (a) to organise regular training sessions within the brigade;
- (b) to encourage members to undertake training within SACFS;
- (c) to ensure that members of the brigade receive training that is consistent with the Act and the policies of the Chief Officer and SACFS;
- (d) to keep proper records relating to training undertaken by members of the brigade;
- (e) to encourage members of the brigade to become SACFS instructors;
- (f) if the brigade is a member of an SACFS group—to represent the brigade on any Group Training Committee formed by the group;

- (g) to liaise with training co-ordinators in other SACFS brigades;
- (h) to undertake other functions assigned by the brigade captain or determined by the Chief Officer.

### **3—Equipment co-ordinator**

An equipment co-ordinator is responsible for the proper management and maintenance of all brigade property and equipment (other than communications equipment).

### **4—Logistics support co-ordinator**

A logistics support co-ordinator has the following specific functions:

- (a) to undertake responsibility for the management and implementation of all intelligence, planning, support and supply functions during an operation;
- (b) to provide advice to the equipment co-ordinator in relation to the effective deployment and use of brigade property and equipment during an operation;
- (c) to liaise with officers at brigade level to ensure co-ordination during an operation.

### **5—Occupational health, safety and welfare co-ordinator**

An occupational health, safety and welfare co-ordinator has the following specific functions:

- (a) to encourage compliance with occupational health and safety policies and practices during brigade operations, training and other activities;
- (b) to assist with workplace inspections and the induction of new members;
- (c) to maintain records relating to occupational health, safety and welfare (including accident, incident and hazard reports);
- (d) to liaise with the equipment co-ordinator on safety matters relating to brigade equipment;
- (e) to disseminate occupational health, safety and welfare information to brigade members;
- (f) if the brigade is a member of a group—to liaise with the group health and safety representative and with other occupational health, safety and welfare co-ordinators;
- (g) to undertake other functions assigned by the brigade captain or determined by the Chief Officer.

### **6—Administrative co-ordinator**

An administrative co-ordinator has the following specific functions:

- (a) to organise meetings of the brigade;
- (b) to give notice of meetings of the brigade in accordance with the constitution of the brigade;
- (c) to prepare an agenda for meetings of the brigade;
- (d) to keep brigade records, and to send and receive brigade correspondence;

- (e) to disseminate information to brigade members;
- (f) to manage the financial affairs of the brigade;
- (g) to keep financial records;
- (h) if the brigade is a member of a group—to liaise with the group administrative co-ordinator;
- (i) to undertake other functions assigned by the brigade captain or determined by the Chief Officer.

## **Schedule 5—Certificate of registration of an SACFS group**

This is to certify that *[name of group]* is constituted as an SACFS group under the *Fire and Emergency Services Act 2005*.

The brigades that make up the group are:

.....  
.....  
.....  
.....  
.....  
.....  
.....

The registered code of the group as an SACFS organisation is .....

Dated the ..... day of ..... 20 .....

*Seal of SACFS*

.....

*Signature of the Chief Officer*

## **Schedule 7—Officers of an SACFS group**

### **1—Group officer**

A group officer has the following specific functions:

- (a) to ensure that the group prepares and maintains an incident response plan;
- (b) in the event of a fire or other emergency requiring a group response—
  - (i) to establish forward command in the field; and
  - (ii) subject to the Act and the direction of a superior officer, to co-ordinate and control the operations of the brigades in the group; and
  - (iii) to organise persons who volunteer to assist the group or a brigade in fighting the fire or dealing with the emergency; and
  - (iv) to liaise with other group officers in adjacent areas, and other relevant officers;

- (c) to oversee the operations, activities and training of the brigades in the group;
- (d) otherwise to undertake functions determined by the Chief Officer.

## **2—Deputy group officer**

A deputy group officer must assist the group officer in the performance of his or her functions (and in the absence of the group officer, the most senior deputy group officer may assume the functions and responsibilities of the group officer).

# **Schedule 8—Functions that attach to other SACFS group positions**

## **1—Group communications co-ordinator**

A group communications co-ordinator has the following specific functions:

- (a) to ensure that the group's communications equipment operates effectively;
- (b) in the event of a fire or other emergency requiring a group response—
  - (i) to establish and maintain a group communications centre; and
  - (ii) to co-ordinate and control communications within and between the brigades in the group; and
  - (iii) to co-ordinate communications with other groups;
- (c) to liaise with communications co-ordinators in the brigades in the group;
- (d) to represent the group at meetings of communications co-ordinators held on a regional basis;
- (e) to undertake other functions assigned by the group officer or determined by the Chief Officer.

## **2—Group training co-ordinator**

A group training co-ordinator has the following specific functions:

- (a) to prepare an annual training plan for the brigades in the group and to organise regular training sessions within the group;
- (b) to ensure that members of the brigades in the group are—
  - (i) trained in accordance with courses approved by the Chief Officer; and
  - (ii) assessed to standards approved by the Chief Officer;
- (c) to encourage members of the brigades in the group to become SACFS instructors;
- (d) to represent the group at meetings of training co-ordinators held on a regional basis;
- (e) to undertake other functions assigned by the group officer or determined by the Chief Officer.

### **3—Group equipment co-ordinator**

A group equipment co-ordinator is responsible for the proper management and maintenance of all group property and equipment (other than communications equipment).

### **4—Group logistics support co-ordinator**

A group logistics support co-ordinator has the following specific functions:

- (a) to undertake responsibility for the management and implementation of all intelligence, planning, support and supply functions at group level;
- (b) to provide advice to the group equipment officer in relation to the effective deployment and use of group property and equipment;
- (c) to liaise with officers at group level to ensure co-ordination during a group operation;
- (d) to liaise with other group logistics support co-ordinators;
- (e) to undertake other functions assigned by the group officer or determined by the Chief Officer.

### **5—Group health and safety representative**

A group health and safety representative has the following specific functions:

- (a) to ensure compliance with occupational health and safety practices during relevant operations, training and other activities;
- (b) to encourage members of the group to observe the occupational health and safety principles expected of SACFS members;
- (c) to maintain proper records on occupational health and safety issues relevant to the operation of the group;
- (d) to liaise with the group equipment co-ordinator on safety matters relating to group equipment;
- (e) to disseminate occupational health and safety information to brigade and group members;
- (f) to assist with the implementation of occupational health and safety systems within the group;
- (g) to consult with the brigades within the group and to liaise with the occupational health, safety and welfare co-ordinators of the brigades within the group;
- (h) to represent the group at regional meetings dealing with occupational health and safety issues;
- (i) to undertake other functions assigned by the group officer or determined by the Chief Officer.

### **6—Group administrative co-ordinator**

A group administrative co-ordinator has the following specific functions:

- (a) to organise meetings of the group;

- (b) to give notice of meetings of the group to the group officers and the representatives of brigades in the group in accordance with the constitution of the group;
- (c) to prepare an agenda for meetings of the group;
- (d) to keep group records, and to send and receive group correspondence;
- (e) to disseminate information to brigades in the group;
- (f) to manage the financial affairs of the group;
- (g) to keep financial records;
- (h) to liaise with the administrative co-ordinators of the brigades in the group;
- (i) to undertake other functions assigned by the group officer or determined by the Chief Officer.

## Schedule 9—Permit authorising person to light or maintain fire during fire danger season

.....  
(Permit Number)

Note—This permit is not valid on a day of total fire ban

1 Pursuant to section 81 of the *Fire and Emergency Services Act 2005* this permit is issued:

- For the purpose of burning off land  
 For some other purpose—

(Tick appropriate box)

..... (specify)

2 This permit is issued to ..... (Full name)  
of ..... (Address)  
and authorises the holder of the permit to light or maintain a fire at .....

.....\*

during the fire danger season for the purpose indicated in 1 above.

\*(The location of the proposed fire must be specified with reasonable particularity, indicating either lot, section and hundred numbers, or an appropriate grid reference).

3 This permit is valid from ..... a.m./p.m. on ..... / ..... /20 ..... to  
..... a.m./p.m. on ..... / ..... /20.....

4 Subject to any variation by an authorised officer (as noted below), this permit is subject to—

- (a) the conditions prescribed by the *Fire and Emergency Services Regulations 2005*, as set out on the reverse side of this permit; and  
(b) the following additional conditions:

.....  
.....  
.....

[Specify any variations]

5 Note—

- (1) This permit is liable to be revoked if the permit holder fails to comply with a condition of the permit.  
(2) This permit may be revoked in any other justifiable circumstance.  
(3) The fact that the holder of this permit has complied with the conditions of the permit does not of itself relieve the holder from liability for any loss or damage caused by a fire lit under the authority of the permit. (*Fire and Emergency Services Act 2005* section 81(13)).

.....  
(Authorised officer)

.....  
(Name)

.....  
(ID Number)

..... / ..... /20 ..... at ..... a.m./p.m.  
(Date and time of issue)

## Schedule 10—Permit authorising person to light or maintain fire in open air contrary to terms of total fire ban

.....  
(Permit Number)

1 Pursuant to section 81 of the *Fire and Emergency Services Act 2005* this permit is issued for the purpose of .....

2 This permit is issued to ..... (Full name)  
of ..... (Address)  
and authorises the holder of the permit to light or maintain a fire at .....

.....\*  
contrary to the terms of a total fire ban for the purpose referred to in 1 above.

\*(The location of the proposed fire must be specified with reasonable particularity, indicating either lot, section and hundred numbers, or an appropriate grid reference).

3 This permit is valid from ..... a.m./p.m. on ..... / ..... /20 ..... to  
..... a.m./p.m. on ..... / ..... /20.....

4 Subject to any variation by an authorised officer (as noted below), this permit is subject to—

(a) the conditions prescribed by the *Fire and Emergency Services Regulations 2005*, as set out on the reverse side of this permit; and

(b) the following additional conditions:

.....  
.....  
.....

[Specify any variations]

5 Note—

(1) This permit is liable to be revoked if the permit holder fails to comply with a condition of the permit.

(2) This permit may be revoked in any other justifiable circumstance.

(3) The fact that the holder of this permit has complied with the conditions of the permit does not of itself relieve the holder from liability for any loss or damage caused by a fire lit under the authority of the permit. (*Fire and Emergency Services Act 2005* section 81(13)).

.....  
(Authorised officer)

.....  
(Name)

.....  
(ID Number)

..... / ..... /20 ..... at ..... a.m./p.m.  
(Date and time of issue)

## Schedule 11—Regulation 34 declaration

Declaration of an area of the State in which a person may operate a gas fire or electric element for cooking purposes in the open air contrary to the terms of a total fire ban.

PURSUANT to regulations under the *Fire and Emergency Services Act 2005* .....  
..... (Name of council) [or the Chief Officer of SACFS]  
declares that persons may operate gas fires or electric elements for cooking purposes in the open air contrary to the terms of a total fire ban at the following places:

.....  
.....  
.....

This notice operates during the following times.....  
..... [or at all times until revoked].

The operation of a gas fire or electric element under this notice is subject to the following conditions—

- (1) The space immediately around and above the gas fire or electric element must be cleared of all flammable material to a distance of at least four metres.
- (2) A person who is able to control the gas fire or electric element must be present at all times while it is lighted or charged.
- (3) An appropriate agent adequate to extinguish any fire must be at hand.
- (4) [Such other conditions as the council or the Chief Officer may specify]

.....  
Chief Executive Officer/Chief Officer

.....  
[Name of council or Chief Officer of SACFS]

## Schedule 12—Section 105F notice

Pursuant to section 105F of the *Fire and Emergency Services Act 2005*

..... (Name of owner), who is the owner of  
land at ..... required to take the following action to  
comply with the requirements of that section

.....  
.....  
.....  
.....  
.....

### Notes—

- 1 Section 105F requires that an owner of private land must take reasonable steps—
  - (a) to prevent or inhibit the outbreak of fire on the land; and
  - (b) to prevent or inhibit the spread of fire through the land; and
  - (c) to protect property on the land from fire; and
  - (d) to minimise the threat to human life from a fire on the land.

- 2 The following matters may be considered relevant to determining whether a breach of these requirements has occurred:
- (a) the nature of the land;
  - (b) whether the land is in a country, metropolitan, township or other setting;
  - (c) the activities carried out on the land (including whether flammable or combustible materials or substances are used or stored on the land);
  - (d) other statutory standards or requirements that apply to or in relation to the land.

Other matters may also be taken into account.

3 A code of practice prescribed under the Act may also be relevant to your circumstances.

4 If you fail to comply with a requirement of this notice—

- (a) you may be liable to a significant fine; and
- (b) an authorised person may proceed to carry out the work required by the notice and recover the costs against you.

5 You are entitled to appeal against a requirement of this notice. Your rights of appeal are set out in the *Fire and Emergency Services Act 2005*.

6 Your appeal should be instituted within 14 days of receiving this notice. A copy of the appeal notice must be sent to the authority that issued this notice.

7 **You may wish to discuss the matter with the authority that issued this notice before you institute an appeal**

.....  
(Authority issuing the notice)

.....  
(Date)

## **Schedule 13—Variation or revocation of section 105F notice**

On ..... (date) ..... (Name of owner), the owner of land at ..... was required to take certain action by a notice issued under section 105F of the *Fire and Emergency Services Act 2005*.

That notice is now—

(a) varied as follows:

.....  
.....  
.....  
.....

(b) revoked.

(Strike out unwanted item)

.....  
(Authority issuing the notice)

.....  
(Date)

## Schedule 14—Application for registration of an SASES unit

Application is hereby made for the registration of an SASES unit.

The following information is provided:

- 1 Name of organisation applying for registration .....
- 2 Address of headquarters for unit .....

.....  
..... Tel No .....

- 3 Names and address of proposed office-holders

..... <i>(Office)</i>	..... <i>(Office)</i>
.....	.....
.....	.....
..... <i>(Address)</i>	..... <i>(Address)</i>
.....	.....
..... <i>(Telephone number)</i>	..... <i>(Telephone number)</i>

..... <i>(Office)</i>	..... <i>(Office)</i>
.....	.....
.....	.....
..... <i>(Address)</i>	..... <i>(Address)</i>
.....	.....
..... <i>(Telephone number)</i>	..... <i>(Telephone number)</i>

- 4 A copy of the proposed constitution and membership list is attached.

Signed on behalf of the applicants by:

..... <i>(Signature)</i>	..... <i>(Signature)</i>
..... <i>(Name)</i>	..... <i>(Name)</i>
.....	.....
.....	.....
..... <i>(Address)</i>	..... <i>(Address)</i>
.....	.....
..... <i>(Telephone number)</i>	..... <i>(Telephone number)</i>

Date .....

**Schedule 15—Certificate of registration of an SASES unit**

THIS is to certify that *[name of unit]* is constituted as an SASES unit under the *Fire and Emergency Services Act 2005*.

The registration number of the unit is .....

Dated the ..... day of ..... 20 .....

*Seal of the SACFS*

.....

*Signature of Chief Officer*

**Schedule 16—Official emblems**





## Schedule 19—Transitional provisions

### Part 1—SACFS

#### 1—Existing positions

A person holding a position in the Country Fire Service immediately before the commencement of these regulations that has the same (or substantially the same) responsibilities as a position in SACFS under these regulations will be taken to have been appointed or elected (as the case requires) to the relevant position under these regulations for the balance of his or her term of appointment or election.

#### 2—Constitutions

- (1) Until the Chief Officer otherwise determines, the constitution of a C.F.S. organisation under the *Country Fires Act 1989*, as in existence immediately before the commencement of this clause, will continue as the constitution of the organisation.
- (2) A determination under subclause (1) may be made—
  - (a) in relation to a particular organisation; or
  - (b) in relation to a class of organisations.

#### 3—References

A reference in any Act, regulation or other instrument to the C.F.S., or to the Country Fire Service, will be taken to be a reference to SACFS.

## **Part 2—SASES**

### **4—Constitutions**

- (1) Until the Chief Officer otherwise determines, the constitution of an S.E.S. unit under the *State Emergency Service Act 1987*, as in existence immediately before the commencement of this clause, will continue as the constitution of the unit.
- (2) A determination under subclause (1) may be made—
  - (a) in relation to a particular unit; or
  - (b) in relation to a class of units.

### **5—References**

A reference in any Act, regulation or other instrument to the State Emergency Service South Australia will be taken to be a reference to SASES.

## **Part 3—Emergency Services Administrative Unit**

### **6—Emergency Services Administrative Unit**

If the Emergency Services Administrative Unit (*ESAU*) is expressed to be a party to a contract (other than a contract of employment) in force immediately before the commencement of the Act, the Commission will, from that commencement, be taken to be a party to the contract as if the reference to ESAU were a reference to the Commission.

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Expiry of regulations

The *Fire and Emergency Services Regulations 2005* will expire on 1.3.2021.

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2005	210	<i>Gazette 29.9.2005 p3568</i>	1.10.2005: r 2
2006	105	<i>Gazette 15.6.2006 p1762</i>	1.7.2006: r 2
2007	7	<i>Gazette 1.2.2007 p326</i>	1.2.2007: r 2
2007	133	<i>Gazette 7.6.2007 p2501</i>	1.7.2007: r 2
2008	36	<i>Gazette 17.4.2008 p1409</i>	17.4.2008: r 2
2008	53	<i>Gazette 5.6.2008 p1881</i>	1.7.2008: r 2
2009	111	<i>Gazette 4.6.2009 p2545</i>	1.7.2009: r 2
2009	254	<i>Gazette 29.10.2009 p5015</i>	1.11.2009: r 2
2010	68	<i>Gazette 10.6.2010 p2730</i>	1.7.2010: r 2
2011	59	<i>Gazette 9.6.2011 p2065</i>	1.7.2011: r 2
2012	115	<i>Gazette 31.5.2012 p2445</i>	1.7.2012: r 2
2013	78	<i>Gazette 6.6.2013 p2171</i>	1.7.2013: r 2
2014	85	<i>Gazette 19.6.2014 p2524</i>	1.7.2014: r 2
2015	95	<i>Gazette 18.6.2015 p2651</i>	1.7.2015: r 2
2016	65	<i>Gazette 23.6.2016 p2170</i>	1.7.2016: r 2
2017	118	<i>Gazette 22.6.2017 p2311</i>	1.7.2017: r 2
2017	239	<i>Gazette 8.8.2017 p3481</i>	8.8.2017: r 2
2018	105	<i>Gazette 21.6.2018 p2260</i>	1.7.2018: r 2
2019	132	<i>Gazette 13.6.2019 p2021</i>	1.7.2019: r 2
<b>2020</b>	<b>190</b>	<b><i>Gazette 4.6.2020 p3059</i></b>	<b>1.7.2020: r 2</b>
2021	13	<i>Gazette 11.2.2021 p346</i>	15.2.2021: r 2

## Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2006</i>
Pt 3		
Pt 3 Div 2		
r 6		
<i>r 6(5)</i>	<i>deleted by 254/2009 r 4</i>	<i>1.11.2009</i>
r 14		
<i>r 14(4)</i>	<i>deleted by 254/2009 r 5</i>	<i>1.11.2009</i>
r 24A	inserted by 254/2009 r 6	1.11.2009
r 24A(4)	substituted by 239/2017 r 4	8.8.2017
Pt 3 Div 3	substituted by 254/2009 r 7	1.11.2009
Pt 3 Div 4		
Pt 3 Div 4 Subdiv 1		
r 32		
r 32(1)	r 32 redesignated as 32(1) by 7/2007 r 4(2)	1.2.2007
<i>spark arrester</i>	<i>deleted by 7/2007 r 4(1)</i>	<i>1.2.2007</i>
r 32(2) and (3)	inserted by 7/2007 r 4(2)	1.2.2007
Pt 3 Div 4 Subdiv 2		
r 32A	inserted by 254/2009 r 8	1.11.2009
r 33		
r 33(11)—(13)	inserted by 254/2009 r 9	1.11.2009
r 34		
r 34(1)	varied by 254/2009 r 10	1.11.2009
r 35	varied by 254/2009 r 11	1.11.2009
r 36	varied by 254/2009 r 12	1.11.2009
Pt 3 Div 4 Subdiv 3		
r 37		
r 37(3)	varied by 7/2007 r 5(1)	1.2.2007
r 37(4)	varied by 7/2007 r 5(2)	1.2.2007
r 38		
r 38(2)	varied by 7/2007 r 6(1)	1.2.2007
r 38(3)	varied by 7/2007 r 6(2), (3)	1.2.2007
r 39		
r 39(2)	varied by 7/2007 r 7	1.2.2007
r 41		
r 41(5)	inserted by 254/2009 r 13	1.11.2009
Pt 3 Div 4 Subdiv 4	substituted by 254/2009 r 14	1.11.2009

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<i>Pt 3 Div 4 Subdiv 5</i>		
<i>before deletion by</i>		
<i>254/2009</i>		
<i>r 48</i>	<i>varied by 36/2008 r 4</i>	<i>17.4.2008</i>
<i>Pt 3 Div 4 Subdiv 5</i>	<i>deleted by 254/2009 r 15</i>	<i>1.11.2009</i>
<i>Pt 3 Div 4 Subdiv 6</i>		
<i>r 51</i>	<i>substituted by 254/2009 r 16</i>	<i>1.11.2009</i>
<i>Pt 3A</i>	<i>inserted by 254/2009 r 17</i>	<i>1.11.2009</i>
<i>Pt 4</i>		
<i>r 64</i>		
<i>r 64(1)</i>	<i>r 64 redesignated as r 64(1) by 254/2009 r 18</i>	<i>1.11.2009</i>
<i>r 64(2)—(8)</i>	<i>inserted by 254/2009 r 18</i>	<i>1.11.2009</i>
<i>r 64(4)</i>	<i>substituted by 239/2017 r 5</i>	<i>8.8.2017</i>
<i>Pt 5</i>		
<i>r 70</i>		
<i>r 70(1)</i>	<b><i>deleted by 190/2020 r 4(1)</i></b>	<b><i>1.7.2020</i></b>
<i>r 70(1a)</i>	<i>inserted by 59/2011 r 4(1)</i>	<i>1.7.2011</i>
	<b><i>deleted by 190/2020 r 4(1)</i></b>	<b><i>1.7.2020</i></b>
<i>r 70(2)</i>	<i>varied by 59/2011 r 4(2)</i>	<i>1.7.2011</i>
	<b><i>varied by 190/2020 r 4(2)</i></b>	<b><i>1.7.2020</i></b>
<i>r 70(3)</i>	<b><i>varied by 190/2020 r 4(3)</i></b>	<b><i>1.7.2020</i></b>
<i>rr 71—73</i>	<i>inserted by 254/2009 r 19</i>	<i>1.11.2009</i>
<i>Sch 2</i>	<i>deleted by 254/2009 r 20</i>	<i>1.11.2009</i>
<i>Sch 6</i>	<i>deleted by 254/2009 r 21</i>	<i>1.11.2009</i>
<i>Sch 12</i>	<i>substituted by 254/2009 r 22</i>	<i>1.11.2009</i>
<i>Sch 13</i>	<i>varied by 254/2009 r 23(1), (2)</i>	<i>1.11.2009</i>
<i>Sch 17</i>	<i>substituted by 105/2006 r 4</i>	<i>1.7.2006</i>
	<i>substituted by 133/2007 r 4</i>	<i>1.7.2007</i>
	<i>substituted by 53/2008 r 4</i>	<i>1.7.2008</i>
	<i>substituted by 111/2009 r 4</i>	<i>1.7.2009</i>
	<i>substituted by 68/2010 r 4</i>	<i>1.7.2010</i>
	<i>substituted by 59/2011 r 5</i>	<i>1.7.2011</i>
	<i>substituted by 115/2012 r 4</i>	<i>1.7.2012</i>
	<i>substituted by 78/2013 r 4</i>	<i>1.7.2013</i>
	<i>substituted by 85/2014 r 4</i>	<i>1.7.2014</i>
	<i>substituted by 95/2015 r 4</i>	<i>1.7.2015</i>
	<i>substituted by 65/2016 r 4</i>	<i>1.7.2016</i>
	<i>substituted by 118/2017 r 4</i>	<i>1.7.2017</i>
	<i>substituted by 105/2018 r 4</i>	<i>1.7.2018</i>
	<i>substituted by 132/2019 r 4</i>	<i>1.7.2019</i>
	<b><i>deleted by 190/2020 r 5</i></b>	<b><i>1.7.2020</i></b>
<i>Sch 18</i>	<i>deleted by 254/2009 r 24</i>	<i>1.11.2009</i>
	<i>inserted by 59/2011 r 5</i>	<i>1.7.2011</i>

<i>substituted by 115/2012 r 4</i>	<i>1.7.2012</i>
<i>substituted by 78/2013 r 4</i>	<i>1.7.2013</i>
<i>substituted by 85/2014 r 4</i>	<i>1.7.2014</i>
<i>substituted by 95/2015 r 4</i>	<i>1.7.2015</i>
<i>substituted by 65/2016 r 4</i>	<i>1.7.2016</i>
<i>substituted by 118/2017 r 4</i>	<i>1.7.2017</i>
<i>substituted by 105/2018 r 4</i>	<i>1.7.2018</i>
<i>substituted by 132/2019 r 4</i>	<i>1.7.2019</i>
<b><i>deleted by 190/2020 r 5</i></b>	<b><i>1.7.2020</i></b>

## **Historical versions**

1.7.2006  
1.2.2007  
1.7.2007  
17.4.2008  
1.7.2008  
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