



ANNO TRICESIMO TERTIO

# ELIZABETHAE II REGINAE

A.D. 1984

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No. 98 of 1984

An Act to amend the South Australian Metropolitan Fire Service Act,  
1936.

[Assented to 20 December 1984]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "South Australian Metropolitan Fire Service Act Amendment Act, 1984". Short title.

(2) The South Australian Metropolitan Fire Service Act, 1936, is in this Act referred to as "the principal Act".

2. (1) This Act shall come into operation on a day to be fixed by proclamation. Commencement.

(2) The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

3. The long title to the principal Act is repealed and the following title is substituted: Repeal of long title to principal Act and substitution of new title.

An Act to provide for the fighting and prevention of fires in fire districts; to provide for the protection of life and property threatened by other emergencies; and for other purposes.

4. Section 4 of the principal Act is amended—

(a) by striking out the item:

PART II—ADMINISTRATION

and substituting the item:

PART II—ADMINISTRATION

DIVISION I—THE SOUTH AUSTRALIAN METROPOLITAN  
FIRE SERVICE

Amendment of s. 4—  
Arrangement of Act.

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 DIVISION II—THE SOUTH AUSTRALIAN METROPOLITAN FIRE  
SERVICE APPEALS TRIBUNAL;

and

(b) by striking out the item:

PART V—OFFICERS

and substituting the items:

PART V—OFFICERS AND FIREFIGHTERS

PART VA—DISCIPLINE

DIVISION I—THE DISCIPLINARY COMMITTEE

DIVISION II—DISCIPLINARY PROCEEDINGS

DIVISION III—APPEALS

Amendment of  
s. 5—  
Interpretation.

5. Section 5 of the principal Act is amended—

(a) by inserting before the definition of “the Chief Officer” the following definition:

“books” includes papers, documents, photographs, films and other records;

(b) by inserting in paragraph (b) of the definition of “commanding officer” after the passage “the scene of a fire” the passage “or other emergency”;

(c) by inserting in paragraph (c) of the definition of “commanding officer” after the passage “cause of a fire” the passage “or other emergency”;

(d) by inserting after the definition of “council” the following definition:

“the Disciplinary Committee” or “the Committee” means the South Australian Metropolitan Fire Service Disciplinary Committee established under this Act;

(e) by inserting after the definition of “financial year” the following definition:

“fire” includes a situation that involves imminent danger of fire;

(f) by inserting after the definition of “fire district” the following definition:

“firefighter” includes a control room operator;

(g) by inserting after the definition of “Minister” the following definitions:

“misconduct” means a contravention of or a failure to comply with the code of conduct set out in the second schedule:

“officer” means an officer of the Corporation;

and

(h) by inserting after the definition of “repealed Act” the following definitions:

“Senior Judge” means the person holding, or acting in, the office of Senior Judge under the Local and District Criminal Courts Act, 1926.;

“the Tribunal” means the South Australian Metropolitan Fire Service Appeals Tribunal established under this Act.;

6. The heading to Part II of the principal Act is repealed and the following heading is substituted:

Repeal of heading to Part II and substitution of new heading.

## PART II

### ADMINISTRATION

#### DIVISION I—THE SOUTH AUSTRALIAN METROPOLITAN FIRE SERVICE

7. Section 9 of the principal Act is amended by striking out paragraph (a) of subsection (1) and substituting the following paragraph:

Amendment of s. 9—  
Functions and powers of the Corporation.

(a) to provide efficient services in fire districts for the purpose of fighting fires and of dealing with other emergencies.;

8. The following Division is inserted after section 12 in Part II of the principal Act:

Insertion of new Division II in Part II.

#### DIVISION II—THE SOUTH AUSTRALIAN METROPOLITAN FIRE SERVICE APPEALS TRIBUNAL

13. There shall be a tribunal entitled the “South Australian Metropolitan Fire Service Appeals Tribunal”.

The South Australian Metropolitan Fire Service Appeals Tribunal.

14. (1) The Tribunal shall consist of four members of whom—

Members of the Tribunal.

(a) one (the chairman) shall be a District Court Judge, nominated by the Senior Judge;

and

(b) three shall be appointed by the Governor as follows:

(i) one shall be an officer appointed on the nomination of the Chief Officer;

(ii) one shall be an officer appointed on the nomination of the Fire Brigade Officers Association of South Australia;

and

(iii) one shall be a firefighter appointed on the nomination of the Fire Fighters Association of South Australia Incorporated.

(2) A member appointed by the Governor shall be appointed for a term not exceeding three years and at the expiration of his term of office shall be eligible for reappointment.

(3) If the chairman is for any reason absent or unable to act in his capacity as chairman, a District Court Judge, nominated by the Senior Judge, shall act in the office of chairman.

(4) The Governor may appoint a person to be a deputy of a member (other than the chairman) and the deputy may, in the absence

of that member or where that member is disqualified from sitting at the hearing of an appeal, act as a member of the Tribunal.

(5) The requirement of qualification and nomination made by this section in relation to the appointment of a member extends to the appointment of his deputy.

Removal of  
members from  
office, vacancies,  
etc.

15. (1) The chairman ceases to hold office as a member of the Committee if—

(a) he ceases to hold office as a District Court Judge;

or

(b) his nomination is revoked by the Senior Judge.

(2) The Governor may remove a member (other than the chairman) from office for—

(a) mental or physical incapacity to carry out satisfactorily the duties of his office;

(b) neglect of duty;

or

(c) dishonourable conduct.

(3) The office of a member appointed by the Governor becomes vacant if—

(a) he dies;

(b) his term of office expires;

(c) he resigns by written notice to the Minister;

(d) he ceases to satisfy the qualification referred to in section 14 (1) by virtue of which he was appointed;

or

(e) he is removed from office by the Governor pursuant to subsection (2).

(4) Upon the office of a member becoming vacant, a person shall be appointed in accordance with this Act to the vacant office.

Constitution of  
Tribunal.

16. For the purpose of hearing an appeal, the Tribunal shall be constituted of—

(a) the chairman;

(b) the member nominated by the Chief Officer;

and

(c) (i) where the appellant is an officer—the member nominated by the Fire Brigade Officers Association of South Australia;

or

(ii) where the appellant is a firefighter—the member nominated by the Fire Fighters Association of South Australia Incorporated.

Secretary.

17. (1) There shall be a secretary to the Tribunal.

(2) The office of secretary may be held in conjunction with any other office in the Public Service of the State.

18. A question arising before the Tribunal shall be determined in accordance with the opinion of a majority of the members constituting the Tribunal.

How decisions of the Tribunal to be arrived at.

19. (1) The Tribunal is not bound by the rules of evidence and may inform itself upon any matter as it thinks fit.

Principles governing hearings.

(2) Subject to this Act, the procedure of the Tribunal upon the hearing of proceedings under this Act shall be as determined by the Tribunal.

(3) Upon the hearing of proceedings, the Tribunal shall act according to equity, good conscience and the substantial merits of the case.

20. (1) For the purposes of proceedings before it, the Tribunal may—

Powers of Tribunal.

(a) by summons signed on behalf of the Tribunal by a member of the Tribunal, require the appearance before the Tribunal of any person or the production to the Tribunal of any relevant books;

(b) inspect any books produced to it, and retain them for such reasonable period as it thinks fit, and make copies of them, or of any of their contents;

(c) require a person appearing before the Tribunal to make an oath or affirmation that he will truly answer all questions put to him relating to any matter in issue before the Tribunal (which oath or affirmation may be administered by a member of the Tribunal);

and

(d) require a person appearing before the Tribunal to answer any relevant question put to him by any member of the Tribunal or by a party, or person appearing on behalf of a party, to a proceeding before the Tribunal.

(2) Upon the receipt of an application for the issue of a summons under this section, the chairman (but no other member of the Tribunal) or the secretary, at the direction of the chairman, may, without referring the matter to the Tribunal, issue a summons on behalf of the Tribunal.

(3) If a person—

(a) who has been served with a summons to appear before the Tribunal fails without reasonable excuse to appear in obedience to the summons;

(b) who has been served with a summons to produce relevant books fails without reasonable excuse to comply with the summons;

(c) misbehaves himself before the Tribunal, wilfully insults the Tribunal or any member of the Tribunal, or interrupts the proceedings of the Tribunal;

or

- (d) refuses to be sworn or to affirm or refuses or fails to answer truthfully any relevant question when required to do so by the Tribunal,

he shall be guilty of an offence and liable to a penalty not exceeding five thousand dollars or imprisonment for three months.

(4) If a person summoned as mentioned in subsection (1) fails to produce any books or to appear before the Tribunal as required by the summons, or having appeared refuses to be sworn or to affirm, or to answer a relevant question when required to do so by the Tribunal, a certificate of the failure or refusal, signed by a member of the Tribunal, may be filed in the Supreme Court.

(5) Where a certificate has been filed under subsection (4), a party requiring the production of books or the appearance of a person before the Tribunal may apply (either *ex parte* or on notice) to the Supreme Court for an order directing the production of the books or that that person attend, or be sworn or affirm, or answer questions (as the case may require) and on that application the Court may make such orders as it thinks fit (including orders for costs).

(6) A person may be required to answer a question by the Tribunal notwithstanding that the answer to that question might tend to incriminate him, or to produce any books notwithstanding that their contents might tend to incriminate him but, if that person objects to answering any question, a note of that objection shall be taken down, and the answer shall not be admissible against him in any criminal proceedings (except in proceedings for perjury).

Provisions as to  
appeals.

21. (1) The Tribunal shall give to the parties to proceedings before it reasonable notice in writing of the time and place at which it intends to conduct the proceedings, and shall afford to the parties a reasonable opportunity to call and give evidence, to examine or cross-examine witnesses, and to make submissions to the Tribunal.

(2) If a party to whom notice has been given pursuant to subsection (1) does not attend at the time and place fixed by the notice, the Tribunal may proceed to hear and determine the appeal in the absence of that party.

(3) An officer or firefighter who appeals to the Tribunal shall be entitled to appear personally or to be represented at the hearing of the appeal by a member of the industrial association to which he belongs or by a legal practitioner.

(4) Where the Chief Officer is a party to proceedings before the Tribunal, he shall be entitled to appear personally or to be represented at the proceedings by an officer of the Corporation or, where the appellant is represented by a legal practitioner, the Chief Officer may also be represented by a legal practitioner.

(5) Where the Corporation is a party to proceedings before the Tribunal, it shall be entitled to be represented at the proceedings by the Chief Officer or by one of its other officers or, where the appellant, or one of the appellants, is represented by a legal practitioner, the Corporation may also be represented by a legal practitioner.

22. (1) The Tribunal may, in any proceedings before it, award such costs against the Chief Officer or the Corporation as it considers just and reasonable. Costs.

(2) The Tribunal shall not award costs against an appellant in any proceedings.

(3) Subject to this section, costs awarded by the Tribunal under this section may be recovered as a debt.

23. The chairman of the Tribunal may make rules for any of the following purposes: Rules of the Tribunal.

(a) regulating the practice and procedure of the Tribunal;

(b) making any other provision that is necessary or expedient for carrying into effect the provisions of this Act relating to the Tribunal.

24. No act or proceeding of the Tribunal shall be invalid by reason only of a vacancy in the office of a member, or a defect in the appointment of a member. Validity of acts of Tribunal.

25. A member who has a personal interest or a direct or indirect pecuniary interest in a proceeding before the Tribunal is disqualified from sitting at the hearing. Personal or pecuniary interest of member.

26. A member shall be entitled to such remuneration, allowances and expenses as are determined by the Governor. Remuneration, etc., of members.

9. Section 38 of the principal Act is amended by striking out from subsection (2) the passage "at any fire" and substituting the passage "at the scene of any fire or other emergency". Amendment of s. 38—  
Inspection and control of volunteer fire brigades.

10. The heading to Part V of the principal Act is repealed and the following heading is substituted: Repeal of heading to Part V and substitution of new heading.

## PART V

### OFFICERS AND FIREFIGHTERS

11. The following section is inserted after section 40 of the principal Act: Insertion of new s. 40a.

40a. (1) Where the Corporation wishes to appoint a person to a position in the fire service (other than the position of Chief Officer or Deputy Chief Officer), it shall first nominate that person for appointment. Procedures in relation to appointments.

(2) The Corporation shall give notice of a nomination under subsection (1) to all officers and firefighters who are of the same rank as, or of a lower rank than, that of the position to which the Corporation wishes to make the appointment.

(3) Where a person is nominated by the Corporation for appointment to a position in the fire service, an officer or firefighter who is entitled to notice of the nomination under subsection (2) may, within fourteen days after notice is given to him, appeal against the nomination to the Tribunal.

(4) The Corporation shall confirm a nomination only if no appeal against the nomination has been instituted under this section within the period referred to in subsection (3).

(5) The Tribunal may, on hearing an appeal under this section, confirm the appointment of the person nominated by the Corporation or may direct the Corporation to revoke the nomination and appoint the appellant to that position.

(6) When making a decision under subsection (5), the Tribunal shall have regard to the criteria (if any) relating to the appointment and promotion of employees that is contained in an award or industrial agreement that applies in relation to the position to which the appointment is to be made but, if no such criteria exists, the Tribunal shall have regard to the qualifications, aptitude and conduct of the person nominated for the position and of the appellant or appellants.

(7) The Corporation shall comply with a direction given by the Tribunal under this section.

(8) For the purposes of this section, notice of a nomination shall be deemed to have been given to an officer or firefighter if written notice of the nomination has been displayed for not less than seven days in a prominent place in the fire station at which he is stationed.

(9) The Corporation shall be entitled to appear and be heard on an appeal under this section.

(10) There shall be no appeal against the appointment of a person to the office of Chief Officer or Deputy Chief Officer.

**12. Sections 45 and 46 of the principal Act are repealed and the following section is substituted:**

Repeal of ss. 45 and 46 and substitution of new section.

Powers of commanding officer at scene of fire or other emergency.

45. (1) This section applies in relation to—

(a) emergencies constituted of or arising from—

(i) fire;

(ii) the escape of a dangerous substance or a situation that involves imminent danger of such an escape,

and that occur in a fire district or that occur outside a fire district and at which neither the Director of Country Fire Services nor a fire control officer has assumed command pursuant to the Country Fires Act, 1976;

and

(b) all other emergencies (wherever occurring) at which a person having legal authority to assume command has not done so.

(2) All fire brigades and all persons present at the scene of a fire or other emergency to which this section applies shall be subject to the control of the most senior commanding officer present at the scene of that fire or emergency.

(3) The most senior commanding officer at the scene of a fire or other emergency to which this section applies may take, or cause to be taken, any action that is, in his opinion, necessary or desirable

for the protection of life or property notwithstanding that that action may result in damage to, or destruction of, property or cause pecuniary loss to any person and, in particular, he may—

- (a) enter (using such force as is necessary) any building or other structure or order the destruction of any building or other structure;
  - (b) order that a supply of water, electricity, gas or other fuel be shut off or disconnected;
  - (c) order that a public or private road, right of way or thoroughfare be closed;
  - (d) order that a person who refuses to obey his commands or who obstructs or hinders the operation of a fire brigade be removed from the scene of the fire or other emergency;
- and
- (e) order the removal of any inflammable or dangerous material.

(4) Where a commanding officer at the scene of a fire engages a contractor to demolish or remove a dangerous structure, the costs of the demolition or removal shall be recoverable by the Corporation as a debt from the owner of the dangerous structure.

**13. Section 48 of the principal Act is amended—**

(a) by striking out paragraph (a) of subsection (1) and substituting the following paragraph:

(a) may enter and inspect any building, structure or place for the purpose of ascertaining whether the provisions of this Act, or any other Act, relating to—

- (i) the prevention, extinction or containment of fire;
- (ii) the prevention of, or the means of dealing with, other emergencies;

or

- (iii) the safety of life or property in the event of fire or other emergency,

are being complied with;

and

(b) by inserting after subsection (1) the following subsection:

(2) In this section—

“emergency” refers only to an emergency constituted of or arising from the escape of a dangerous substance or a situation that involves imminent danger of such an escape.

**14. Section 50 of the principal Act is repealed.**

Repeal of s. 50.

**15. Section 51 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:**

Amendment of s. 51—  
Power to proceed beyond fire district.

(1) A fire brigade or salvage corps maintained by the Corporation may attend at the scene of a fire or other emergency occurring outside a fire district.

Insertion of new s. 51a.

**16.** The following section is inserted after section 51 of the principal Act:

Notice of certain fires and emergencies to be given to Director of Country Fire Services.

51a. Where a fire brigade is called to attend at the scene of a fire or other emergency occurring outside a fire district, the commanding officer of the fire brigade shall immediately inform the Director of Country Fire Services—

- (a) of the fact that the fire brigade has been called to the fire or other emergency;
- (b) of the position of the fire or other emergency;
- and
- (c) whether or not the fire brigade is proceeding to the fire or other emergency in response to the call.

Amendment of s. 52—  
Police to recognize authority of Chief Officer and commanding officers.

**17.** Section 52 of the principal Act is amended—

(a) by striking out from subsection (2) the passage “present at any fire” and substituting the passage “present at the scene of a fire or other emergency”;

and

(b) by inserting after subsection (2) the following subsection—

(3) In this section—

“emergency” refers only to an emergency constituted of or arising from the escape of a dangerous substance or a situation that involves imminent danger of such an escape.

Insertion of new Part VA.

**18.** The following Part is inserted after section 52 of the principal Act:

## PART VA

### DISCIPLINE

#### DIVISION I—THE DISCIPLINARY COMMITTEE

The South Australian Metropolitan Fire Service Disciplinary Committee.

52a. (1) There shall be a committee entitled the “South Australian Metropolitan Fire Service Disciplinary Committee”.

(2) The Committee shall consist of the following members:

- (a) the Chief Officer;
- (b) the Deputy Chief Officer;
- (c) an officer appointed by the Chief Officer;
- (d) an officer appointed by the Chief Officer on the nomination of the Fire Brigade Officers Association of South Australia Incorporated;
- (e) a firefighter appointed by the Chief Officer on the nomination of the Fire Fighters Association of South Australia Incorporated.

(3) For the purpose of hearing a complaint, the Committee shall be constituted of—

- (a) the Chief Officer or the Deputy Chief Officer;
- (b) the officer appointed by the Chief Officer without nomination;

and

- (c) (i) where the person whose conduct is the subject of the complaint is an officer—the member nominated by the Fire Brigade Officers Association of South Australia;

or

- (ii) where the person whose conduct is the subject of the complaint is a firefighter—the member nominated by the Fire Fighters Association of South Australia Incorporated.

(4) The Chief Officer or the Deputy Chief Officer shall be the chairman of the Committee.

(5) A question arising before the Committee shall be determined in accordance with the opinion of a majority of the members constituting the Committee.

(6) A person against whom a complaint has been made by the Chief Officer to the Committee may, if he wishes, be represented before the Committee by a member of the industrial association to which he belongs or, with approval of the Committee, by a legal practitioner.

(7) If the person against whom a complaint has been made by the Chief Officer to the Committee is represented before the Committee by a legal practitioner, the Chief Officer may be represented in those proceedings by a legal practitioner but otherwise the Chief Officer shall be represented by an officer.

(8) The Committee may order the Corporation to pay such allowances and expenses as the Committee thinks fit to a person (other than a person who is a party to proceedings before the Committee) who has attended and given evidence in proceedings before the Committee and the amount ordered to be paid may be recovered from the Corporation as a debt.

(9) A member of the Committee shall be entitled to such remuneration, allowances and expenses as are determined by the Governor.

#### DIVISION II—DISCIPLINARY PROCEEDINGS

52b. If, after making a full inquiry, the Chief Officer is satisfied that an officer or firefighter has been guilty of misconduct, he may reprimand the officer or firefighter.

Chief Officer may reprimand.

52c. (1) The Disciplinary Committee shall, on complaint made by the Chief Officer, investigate any alleged misconduct on the part of an officer or firefighter or, where an officer or firefighter has been convicted of an offence punishable by imprisonment, determine what penalty (if any) should be imposed on the officer or firefighter in relation to the conduct that comprised the offence.

Proceedings before Disciplinary Committee.

(2) If the Committee finds that an officer or firefighter has been guilty of misconduct or has been convicted of an offence punishable by imprisonment, it may impose one or more of the following penalties:

- (a) it may reprimand him;
  - (b) it may reduce him in rank for a period determined by the Committee;
  - (c) it may suspend him from office with, or without, pay;
- or
- (d) it may dismiss him.

Suspension from office pending hearing of complaint.

52d. (1) The Chief Officer may suspend from office an officer or firefighter against whom he has made a complaint to the Disciplinary Committee.

(2) A person suspended under subsection (1) shall be suspended on full pay and the suspension shall not operate after the complaint has been finally determined by the Committee or the Tribunal.

#### DIVISION III—APPEALS

Appeal against penalty imposed by Chief Officer or Disciplinary Committee.

52e. (1) An officer or firefighter who is aggrieved by a decision of the Disciplinary Committee, or of the Chief Officer, pursuant to Division II, may appeal to the Tribunal.

(2) An appeal must be instituted within fourteen days of the decision appealed against, but the Tribunal may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that the appeal be instituted within that time.

(3) The Tribunal may, on hearing an appeal, affirm the penalty imposed by the Committee or the Chief Officer or, if, in its view, the decision appealed against was harsh, unjust or unreasonable, it may vary or quash the penalty imposed by the Committee or the Chief Officer or impose any penalty that should have been imposed in the first instance.

(4) Where a penalty has been imposed by the Committee or the Chief Officer and the Committee or the Chief Officer (as the case may be) or the Tribunal is satisfied that an appeal against the decision has been instituted, or is intended, it may suspend the operation of the decision until the determination of the appeal.

(5) Where the operation of a decision has been suspended by the Committee, the Chief Officer or the Tribunal under subsection (4), that suspension may be terminated by the Committee, the Chief Officer or the Tribunal (as the case requires).

(6) The Chief Officer shall be entitled to appear and be heard on an appeal under this section.

Repeal of s. 63 and substitution of new section.

19. Section 63 of the principal Act is repealed and the following section is substituted:

Police to attend at fires and other emergencies.

63. (1) Police shall attend at the scene of a fire or other emergency to which a fire brigade has been called to preserve order and to assist the fire brigade.

(2) In this section—

“emergency” refers only to an emergency constituted of or arising from the escape of a dangerous substance or a situation that involves imminent danger of such an escape.

20. Section 65 of the principal Act is amended—

(a) by striking out the passage “shall forthwith upon the fire occurring” and substituting the passage “or in which any other emergency has occurred shall immediately”;

Amendment of s. 65—  
Disconnection of gas or electricity.

and

(b) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsection:

(2) In this section—

“emergency” refers only to an emergency constituted of or arising from the escape of a dangerous substance or a situation that involves imminent danger of such an escape.

21. Section 68 of the principal Act is amended by inserting after the passage “or gives a false alarm of fire” the passage “or of any other emergency”.

Amendment of s. 68—  
Tampering with fire alarms and giving false alarms.

22. Section 71 of the principal Act is repealed and the following section is substituted:

Repeal of s. 71 and substitution of new section.

71. All policies of insurance against damage or loss of property caused by fire or occurring during the course of any other emergency shall be deemed to extend to damage or loss arising from measures taken by any person acting in pursuance of an authority conferred by or under this Act at the scene of the fire or other emergency.

Insurance policies to cover damage by fire brigades etc.

23. Section 72 of the principal Act is amended by inserting after the passage “a fire” the passage “or other emergency”.

Amendment of s. 72—  
Inquests.

24. Section 73 of the principal Act is repealed and the following section is substituted:

Repeal of s. 73 and substitution of new section.

73. (1) The Chief Officer or any officer or employee of the Corporation may (with or without assistance)—

Power of Chief Officer, etc., to enter premises and search debris, etc.

(a) enter and inspect any land, building, structure or object for the purpose of determining the cause of a fire or other emergency;

(b) remove any object that may tend to establish the cause of a fire or other emergency;

or

(c) if in his opinion it is necessary to do so, take possession of the land, building or structure for the purpose of an investigation or inquiry into the cause of the fire or other emergency.

(2) A person shall not hinder any person acting in pursuance of this section.

Penalty: Five hundred dollars.

(3) In this section—

“emergency” refers only to an emergency constituted of or arising from the escape of a dangerous substance or a situation that involves imminent danger of such an escape.

Amendment of  
s. 77—  
Regulations.

25. Section 77 of the principal Act is amended—

(a) by inserting after paragraph (a) of subsection (1a) the following paragraph:

(ab) provide for the practice and procedure of the Disciplinary Committee;

and

(b) by striking out paragraph (d) of subsection (1a) and substituting the following paragraph:

(d) provide for—

(i) the prevention, extinction or containment of fire;

(ii) the prevention of, or the means of dealing with, other emergencies;

or

(iii) the safety of life or property in the event of fire or other emergency.

Insertion of new  
section 79.

26. The following section is inserted after section 78 of the principal Act:

Immunity of  
officers,  
firefighters and  
others from  
liability.

79. (1) No liability shall attach to an officer, firefighter or other person for an act or omission by him in good faith—

(a) in the exercise, or purported exercise, of his powers or functions or in the discharge, or purported discharge, of his duties pursuant to this Act;

or

(b) in carrying out the orders of the commanding officer at the scene of a fire or other emergency.

(2) Any liability that would, but for this section, attach to an officer, firefighter or other person shall attach to the Crown.

Insertion of new  
schedule.

27. The following schedule is inserted in the principal Act after the first schedule:

## SECOND SCHEDULE

## Code of Conduct to be observed by Officers and Firefighters

An officer or a firefighter—

- (a) must not, without proper excuse, be absent from, or late in attending, any place at which he is required to attend in the course of his duty;
- (b) must not, without proper excuse, disobey an order of an officer or firefighter who is of superior rank and must not be guilty of insubordination;
- (c) must not neglect his duty—
  - (i) by failing to carry out his duties promptly and diligently;
  - (ii) by failing to report to the Chief Officer or other proper authority any matter that is relevant to the administration of this Act and of which he has knowledge;
  - (iii) by failing to make written entries in any book or document as required under this Act;
  - (iv) in any other manner.
- (d) must not be negligent in the performance of his duty under this Act;
- (e) must not exercise his authority under this Act in an unnecessarily oppressive manner;
- (f) must not, without proper excuse, damage or destroy, or permit the damage or destruction of, property belonging to the Corporation;
- (g) must not, without proper excuse, fail to report to the Chief Officer or other proper authority any damage to, or loss or destruction of, any property belonging to the Corporation;
- (h) must not, without proper authority, alter or remove an entry in a book, document or other record belonging to the Corporation;
- (i) must not, without proper excuse, use property belonging to the Corporation for an unauthorized purpose;
- (j) must not knowingly make a false or misleading statement in the course of his duty under this Act;
- (k) must not fail to account for money or property of the Corporation that comes into his possession;
- (l) must not use his position as an officer or firefighter to obtain an ulterior pecuniary or material benefit;
- (m) must not, without proper excuse, render himself unfit, by the consumption of alcohol or the use of any other drug, to carry out his duty under this Act;
- (n) must not consume alcohol or use a drug (other than alcohol or a drug prescribed by a medical practitioner) in the course of performing his duty under this Act;
- (o) must not, while on duty, engage in gambling;
- (p) must not, while on duty, act in a disorderly manner or in a manner that is likely to be prejudicial to the maintenance of discipline in the fire service;
- (q) must not, without proper excuse, fail to be of clean and tidy appearance and of courteous demeanour when in uniform in a public place;
- (r) must not divulge to the public confidential information acquired by him in the course of his duty;
- (s) must not, without proper authority, make a public statement purporting to be made on behalf of the Chief Officer or the Corporation.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor